

TESTIMONY OF A PANEL CONSISTING OF J.C. ALVAREZ, RIVER NORTH DISTRIBUTING, CHICAGO, IL; NANCY E. FITCH, PHILADELPHIA, PA; DIANE HOLT, MANAGEMENT ANALYST, OFFICE OF THE CHAIRMAN, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, WASHINGTON, DC; AND PHYLLIS BERRY-MYERS, ALEXANDRIA, VA

TESTIMONY OF J.C. ALVAREZ

Ms. ALVAREZ. My name is J.C. Alvarez. I am a businesswoman from Chicago. I am a single mom, raising a 15-year-old son, running a business. In many ways, I am just a John Q. Public from Middle America, not unlike a lot of the people watching out there and not unlike a lot of your constituents.

But the political world is not a world that I am unfamiliar with. I spent 9 years in Washington, DC. A year with Senator Danforth, 2 years with the Secretary of Education, a short stint at the Federal Emergency Management Agency, and 4 years as Special Assistant to Clarence Thomas at the EEOC.

Because of this past political experience, I was just before this committee a couple of weeks ago speaking in support of Clarence Thomas's nomination to the Supreme Court. I was then and I still am in favor of Clarence Thomas being on the Supreme Court.

When I was asked to testify the last time, I flew to Washington, DC, very proud and happy to be part of the process of nominating a Supreme Court Justice. When I was sitting here before you last time, I remember why I had liked working in Washington, DC, so much—the intellectual part of it, the high quality of the debate. Although I have to admit when I had to listen to some of your questioning and postulating and politicking, I remembered why I had left. And I thought at that point that certainly I had seen it all.

After the hearings, I flew back to Chicago, back to being John Q. Public, having a life very far removed from this political world, and it would have been easy to stay away from politics in Washington, DC. Like most of your constituents out there, I have more than my share of day-to-day challenges that have nothing to do with Washington, DC, and politics. As I said before, I am a single mom, raising a teenager in today's society, running a business, making ends meet—you know, soccer games, homework, doing laundry, paying bills, that is my day-to-day reality.

Since I left Washington, DC, I vote once every 4 years for President and more frequently for other State and local officials. And I could have remained outside of the political world for a long, long time and not missed it. I don't need this. I needed to come here like I needed a hole in the head. It cost me almost \$900 just for the plane ticket to come here, and then there is the hotel and other expenses. And I can assure you that especially in these recessionary times I have got lots of other uses for that money.

So why did I come? Why didn't I just stay uninvolved and apolitical? Because, Senators, like most real Americans who witness a crime being committed, who witness an injustice being done, I could not look the other way and pretend that I did not see it. I had to get involved.

In my real life, I have walked down the street and seen a man beating up a woman and I have stepped in and tried to stop it. I have walked through a park and seen a group of teenage hoodlums taunting an old drunk man and I have jumped in the middle of it. I don't consider myself a hero. No, I am just a real American from Middle America who will not stand by and watch a crime being committed and walk away. To do so would be the beginning of the deterioration of society and of this great country.

No, Senators, I cannot stand by and watch a group of thugs beat up and rob a man of his money any more than I could have stayed in Chicago and stood by and watched you beat up an innocent man and rob him blind. Not of his money. That would have been too easy. You could pay that back. No, you have robbed a man of his name, his character, and his reputation.

And what is amazing to me is that you didn't do it in a dark alley and you didn't do it in the dark of night. You did it in broad daylight, in front of all America, on television, for the whole world to see. Yes, Senators, I am witnessing a crime in progress and I cannot just look the other way. Because I am John Q. Public and I am getting involved.

I know Clarence Thomas and I know Anita Hill. I was there from the first few weeks of Clarence coming to the Commission. I had the office next to Anita's. We all worked together in setting and executing the goals and the direction that the Chairman had for the EEOC. I remember Chris Roggeron, Carlton Stewart, Nancy Fitch, Barbara Parris, Phyllis Berry, Bill Ng, Allyson Duncan, Diane Holt—each of us with our own area of expertise and responsibility, but together all of us a part of Clarence Thomas's hand-picked staff.

I don't know how else to say it, but I have to tell you that it just blew my mind to see Anita Hill testifying on Friday. Honest to goodness, it was like schizophrenia. That was not the Anita Hill that I knew and worked with at EEOC. On Friday, she played the role of a meek, innocent, shy Baptist girl from the South who was a victim of this big, bad man.

I don't know who she was trying to kid. Because the Anita Hill that I knew and worked with was nothing like that. She was a very hard, tough woman. She was opinionated. She was arrogant. She was a relentless debater. And she was the kind of woman who always made you feel like she was not going to be messed with, like she was not going to take anything from anyone.

She was aloof. She always acted as if she was a little bit superior to everyone, a little holier than thou. I can recall at the time that she had a view of herself and her abilities that did not seem to be based in reality. For example, it was sort of common knowledge around the office that she thought she should have been Clarence's chief legal advisor and that she should have received better assignments.

And I distinctly remember when I would hear about her feeling that way or when I would see her pout in office meetings about assignments that she had gotten, I used to think to myself, "Come on, Anita, let's come down to Earth and live in reality." She had only been out of law school a couple of years and her experience and

her ability couldn't begin to compare with some of the others on the staff.

But I also have to say that I was not totally surprised at her wanting these assignments because she definitely came across as someone who was ambitious and watched out for her own advancement. She wasn't really a team player, but more someone who looked out for herself first. You could see the same thing in her relationships with others at the office.

Senator KENNEDY [presiding]. Excuse me. Ms. Alvarez, we had the 5 minutes, you know, for the other panel. But we have very extensive questionings. I don't want to cut you off when you have been waiting a long time.

Ms. ALVAREZ. Well, Senator, if you would just give me a few more minutes.

Senator THURMOND. Mr. Chairman, I would like to make a statement. The other panel has been on all day long. This is a panel in reverse now. And the only limitation was the nine, No. 9, for 1 hour, and that is the last panel to come on.

I object to cutting these people off. They are entitled to speak.

Senator LEAHY. Mr. Chairman, we made an agreement just about 10 minutes ago and it is already being broken. Let's stick to the agreement.

Senator THURMOND. There is no agreement on this panel at all. It was the last panel of nine people that we agreed to take 1 hour on and no more. This panel is answering the first panel that has been on here for hours and hours, and they are entitled to speak, and we are going to contend for it.

Senator KENNEDY. Well, I think the record will show that there were as many questions focused on the other panel from that side as it was from this side. I distinctly heard the chairman say that they were going to be 5 minutes and then it is unlimited.

Senator THURMOND. Well, he suggested 5 minutes.

Senator KENNEDY. All right. Let's make it 7.

Senator THURMOND. No, we don't want to limit them.

Senator KENNEDY. Let's make it 7.

Senator THURMOND. You didn't limit this morning. You didn't limit all day long. They were in Ms. Hill's favor. Here are some in Judge Thomas' favor. They are entitled to speak.

Senator HATCH. And they read their full statements, the last panel.

Senator KENNEDY. I will ask the clerk to read back what Chairman Biden said about this panel.

Senator THURMOND. Well, send it to Chairman Biden.

Senator KENNEDY. I will ask the clerk to read back what was agreed to.

Senator THURMOND. These was no agreement.

Senator LEAHY. It was agreed to.

Senator THURMOND. He just said he suggested 5 minutes.

Senator SIMPSON. Mr. Chairman? Mr. Chairman?

Senator KENNEDY. Go ahead, Ms. Alvarez. Continue.

Senator SIMPSON. Mr. Chairman, if I—

Senator KENNEDY. Ms. Alvarez is going to continue.

Senator SIMPSON. Mr. Chairman, if I could, I think we all concurred on the one panel with 3 minutes and that is separate and apart from this.

Senator THURMOND. The last panel.

Senator SIMPSON. And this is the regular panel and the regular time that we did this morning with the other group. And we just ask for the same courtesies here.

Senator KENNEDY. That is exactly, the Senator has stated. Whatever time was given to the earlier panel ought to be given to this panel.

I am glad the Chair is back. [Laughter.]

Good to see you, Joe.

The CHAIRMAN [presiding]. Please go on.

Ms. ALVAREZ. If I could finish.

The CHAIRMAN. I know I don't know, and I don't want it repeated. Did you all settle it? Are we all square?

Ms. ALVAREZ. It is settled. I am going to finish.

The CHAIRMAN. There is no limit on this panel. What is the motion?

Senator THURMOND. There is no motion at all. Just let them speak till they get through.

The CHAIRMAN. Speak.

Ms. ALVAREZ. Please. I made an awful lot of effort to come here. I would like to just finish saying what I have to say.

The CHAIRMAN. Yes. You go right ahead.

Ms. ALVAREZ. You could see that Anita Hill was not a real team player, but more someone who looked out for herself. You could see this even in her relationships with others at the office. She mostly kept to herself, although she would occasionally participate in some of the girl-talk among the women at the office, and I have to add that I don't recall her being particularly shy or innocent about that either.

You see, Senators, that was the Anita Hill that we all knew and we worked with. And that is why hearing her on Friday was so shocking. No, not shocking. It was so sickening. Trust me, the Anita Hill I knew and worked with was a totally different personality from the Anita Hill I heard on Friday. The Anita Hill I knew before was nobody's victim.

The Clarence Thomas I knew and worked with was also not who Anita Hill alleges. Everyone who knows Clarence, knows that he is a very proud and dignified man. With his immediate staff, he was very warm and friendly, sort of like a friend or a father. You could talk with him about your problems, go to him for advice, but, like a father, he commanded and he demanded respect. He demanded professionalism and performance, and he was very strict about that.

Because we were friends outside of the office or perhaps in private, I might have called him Clarence, but in the office he was Mr. Chairman. You didn't joke around with him, you didn't lose your respect for him, you didn't become too familiar with him, because he would definitely let you know that you had crossed the line.

Clarence was meticulous about being sure that he retained a very serious and professional atmosphere within his office, without the slightest hint of impropriety, and everyone knew it.

We weren't a coffee-klatching group. We didn't have office parties or Christmas parties, because Clarence didn't think it was appropriate for us to give others the impression that we were not serious or professional or perhaps working as hard as everyone else. He wanted to maintain a dignity about his office and his every behavior and action confirmed that.

As his professional colleague, I traveled with him, had lunch and dinner with him, worked with him, one-on-one and with others. Never did he ever lose his respect for me, and never did we ever have a discussion of the type that Ms. Hill alleges. Never was he the slightest bit improper in his behavior with me. In every situation I have shared with Clarence Thomas, he has been the ultimate professional and he has required it of those around him, in particular, his personal staff.

From the moment they surfaced, I thought long and hard about these allegations. You see, I, too, have experienced sexual harassment in the past. I have been physically accosted by a man in an elevator who I rebuffed. I was trapped in a xerox room by a man who I refused to date. Obviously, it is an issue I have experienced, I understand, and I take very seriously.

But having lived through it myself, I find Anita Hill's behavior inconsistent with these charges. I can assure you that when I come into town, the last thing I want to do is call either of these two men up and say hello or see if they want to get together.

To be honest with you, I can hardly remember their names, but I can assure you that I would never try and even maintain a cordial relationship with either one of them. Women who have really been harassed would agree, if the allegations were true, you put as much distance as you can between yourself and that other person.

What's more, you don't follow them to the next job—especially, if you are a black female, Yale Law School graduate. Let's face it, out in the corporate sector, companies are fighting for women with those kinds of credentials. Her behavior just isn't consistent with the behavior of a woman who has been harassed, and it just doesn't make sense.

Senators I don't know what else to say to have you understand the crime that has been committed here. It has to make all of us suspicious of her motives, when someone of her legal background comes in here at the 11th hour, after 10 years, and having had four other opportunities through congressional hearings to oppose this man, and alleges such preposterous things.

I have been contacted by I think every reporter in the country, looking for dirt. And when I present the facts as I experienced them, it is interesting, they don't print it. It's just not as juicy as her amazing allegations.

What is this country coming to, when an innocent man can be ambushed like this, jumped by a gang whose ring leader is one of his own proteges, Anita Hill? Like Julius Caesar, he must want to turn to her and say, "Et tu, Brutus? You too, Anita?"

As a mother with a child, I can only begin to imagine how Clarence must feel, being betrayed by one of his own. Nothing would

hurt me more. And I guess he described it best in his opening statement on Friday. His words and his emotions are still ringing in all of our ears and all of our hearts.

I have done the best I could, Senators, to be honest in my statement to you. I have presented the situation as it was then, as I lived it, side by side, with Clarence and with Anita.

You know, I talked with my mom before I came here, and she reminded me that I was always raised to stand up for what I believed. I have seen an innocent man being mugged in broad daylight, and I have not looked the other way. This John Q. Public came here and got involved.

Senator KENNEDY [presiding]. Ms. Fitch.

TESTIMONY OF NANCY E. FITCH

Ms. FITCH. Mr. Chairman, Senator Thurmond, members of the committee: My name is Dr. Nancy Elizabeth Fitch. I have a BA in English literature and political science from Oakland University, which was part of Michigan State University at the time—

Senator THURMOND. Would you please pull the microphone closer to you, so that the people in the back can hear you.

Ms. FITCH [continuing]. And a masters and Ph.D. in history from the University of Michigan in Ann Arbor. I have taught at Sangamon State University in Illinois, was a social science research analyst for the Congressional Research Service of the Library of Congress, been a special assistant and historian to the then Chairman of the U.S. Equal Employment Opportunity Commission, Clarence Thomas, an assistant professor of history at Lynchburg College in Virginia, and presently assistant professor of African-American Studies at Temple University, in Philadelphia.

From 1982 to 1989, I worked as a special assistant historian to then Chairman Clarence Thomas of the U.S. Equal Employment Opportunity Commission. I worked for and with him 7 years and have known him for 9. I researched the history of African-Americans, people of color and women and their relationship to issues, including employment, education and training. These were used for background on speeches, special emphasis programming at the Commission and for policy position papers.

I reported only to Judge Thomas, and my responsibilities also included outreach efforts to local colleges and universities and to the D.C. public schools. Judge Thomas was interested in his staff and himself being mentors and role models, especially, but not only to young people of color.

In these 9 years, I have known Clarence Thomas to be a person of great integrity, morally upstanding, professional, a decent person, an exemplary boss. Those years spent in his employ as a schedule C employee, a political appointee, were the most rewarding of my work life to that time. My returning to higher education I attribute to his persuading me to return to what I loved, not continuing as a bureaucrat, but returning to teaching.

I would like to say Judge Thomas, besides being a person of great moral character, I found to be a most intelligent man. Senator Biden was correct yesterday, when he indicated that the Republi-

can side of the panel might have overlooked its easiest defense, that of dealing with the judge's intelligence.

If these allegations, which I believe to be completely unfounded and vigorously believe unfounded, were true, we would be dealing not only with venality, but with abject stupidity with a person shooting himself in the foot, having given someone else the gun to use at any time.

There is no way Clarence Thomas—CT—would callously venally hurt someone. A smart man, concerned about making a contribution to this country as a public official, recognizing the gravity and weightiness of his responsibilities and public trust, a role model and mentor who would, by his life and work, show the possibilities in America for all citizens given opportunity, well, would a person such as this, Judge Clarence Thomas would never ever make a parallel career in harassment, ask that it not be revealed and expect to have and keep his real career. And I know he did no such thing.

He is a dignified, reserved, deliberative, conscientious man of great conscience, and I am proud to be at his defense.

As I told the FBI agent who interviewed me on Tuesday, October 1, I trust Judge Thomas completely, he has all of my support and caring earned by 9 years of the most positive and affirmative interacting, not only with me, but with other staff and former staff, men and women, and I know he will get back his good name.

Thank you.

Senator KENNEDY. Thank you very much.

Ms. Holt.

TESTIMONY OF DIANE HOLT

Ms. HOLT. Mr. Chairman, Senator Thurmond, and members of this committee: My name is Diane Holt. I am a management analyst in the Office of the Chairman of the Equal Employment Opportunity Commission.

I have known Clarence Thomas for over 10 years. For 6 of those years, I worked very closely with him, cheek to cheek, shoulder to shoulder, as his personal secretary. My acquaintance with Judge Thomas began in May 1981, after he had been appointed as Assistant Secretary for Civil Rights at the Department of Education.

I had been the personal secretary to the outgoing Assistant Secretary for several years. Upon Judge Thomas' arrival at the Department, he held a meeting with me, in which he indicated that he was not committed to bringing a secretary with him, and had no wish to displace me. Because he was not familiar with my qualifications, he made no guarantees, but gave me an opportunity to prove myself.

That is the kind of man he is.

In May 1982, Judge Thomas asked me to go to the EEOC with him, where I worked as his secretary until September 1987.

I met Professor Hill in the summer of 1981, when she came to work at the Department of Education as attorney adviser to Judge Thomas.

After about a year, Judge Thomas was nominated to be Chairman of the EEOC. He asked both Professor Hill and myself to transfer with him.

Both Ms. Hill and I were excited about the prospect of transferring to the EEOC. We even discussed the greater potential for individual growth at this larger agency. We discussed and expressed excitement that we would be at the right hand of the individual who would run this agency.

When we arrived at the EEOC, because we knew no one else there, Professor Hill and I quickly developed a professional relationship, a professional friendship, often having lunch together.

At no time did Professor Hill intimate, not even in the most subtle of ways, that Judge Thomas was asking her out or subjecting her to the crude, abusive conversations that have been described. Nor did I ever discern any discomfort, when Professor Hill was in Judge Thomas' presence.

Additionally, I never heard anyone at any time make any reference to any inappropriate conduct in relation to Clarence Thomas.

The Clarence Thomas that I know has always been a motivator of staff, always encouraging others to grow professionally. I personally have benefited from that encouragement and that motivation.

In sum, the Chairman Thomas that I have known for 10 years is absolutely incapable of the abuses described by Professor Hill.

Senator KENNEDY. Thank you very much.

Ms. Berry-Myers?

TESTIMONY OF PHYLLIS BERRY-MYERS

Ms. BERRY. You can call me Phyllis Berry, since that was my name that I used throughout my professional life, and that's probably what most people are going to refer to me as.

Mr. Chairman, Senator Thurmond and members of the committee, I am Phyllis Berry.

I know and have worked with both Clarence Thomas and Anita Hill. I have known Judge Thomas since 1979, and Anita Hill since 1982. Once Clarence Thomas was confirmed as the Chairman of the Equal Employment Opportunity Commission and had assumed his duties there, he asked me to come and work with him at the Commission.

I joined his staff as a special assistant in June of 1982. At the Commission, Chairman Thomas asked that I assume responsibility for three areas: I was to, one, assist in assessing and reorganizing his personal staff, scheduling, speech writing, and those kinds of things; two, to assist in professionalizing the Office of Congressional Affairs, as that office was called then; and, three, assist in reorganizing the Office of Public Affairs, as that office was called then.

Anita Hill was already a member of Clarence Thomas' staff when I joined the Commission.

There are several points to be made:

One, many of the areas of responsibilities that I had been asked to oversee were areas that Anita Hill handled, particularly congressional affairs and public relations. We, therefore, had to work together. Chris Rogerson was the director of congressional affairs at that time, and Anita Hill worked more under his supervision than Clarence Thomas'.

Two, Clarence Thomas' behavior toward Anita Hill was no more, no less than his behavior toward the rest of his staff. He was re-

spectful, demand of excellence in our work, cordial, professional, interested in our lives and our career ambitions.

Three, Anita Hill indicated to me that she had been a primary advisor to Clarence Thomas at the Department of Education. However, she seemed to be having a difficult time on his EEOC staff, of being considered as one of many, especially on a staff where others were as equally or more talented than she.

Four, Anita Hill often acted as though she had a right to immediate direct access to the Chairman. Such access was not always immediately available. I felt she was particularly distressed, when Allyson Duncan became chief of staff and her direct access to the Chairman was even more limited.

Five, I cannot remember anyone, except perhaps Diane Holt, who was regarded as personally close to Anita. She was considered by most of us as somewhat aloof.

In addition, I would like to make these comments:

In her press conference on October 7, 1991, Anita Hill indicated that she did not know me and I did not know her. However, in her testimony before this committee, she affirmed that not only did we know one another, but that we enjoyed a friendly, professional relationship.

Also, she testified that I had the opportunity to observe and did observe her interaction with Clarence Thomas at the office.

Two, I served at the Department of Education at the same time that Anita Hill and Clarence Thomas were there. One aspect of my job was to assist with the placement of personnel at the department, particularly schedule C and other excepted service appointments, such as schedule A appointments.

Excepted Service means those positions in Federal civil service excepted from the normal, competitive requirements that are authorized by law, Executive order or regulation.

The schedule C hiring authority is the means by which political appointees are hired. The schedule A hiring authority is the means by which attorneys, teachers in overseas dependent school systems, drug enforcement agents in undercover work, et cetera, are hired.

The office that I worked in was also responsible for reviewing any hiring that the department's political appointees made under the excepted service hiring authority. Therefore, in that capacity, I was aware of any excepted service hiring decisions made in the Office of Civil Rights, and that is the office that Clarence Thomas headed at that time, and Anita Hill was hired in that office as a schedule A employee.

Federal personnel processing procedures require a lot of specific knowledge and a lot of paperwork, and I do not profess to be a Federal personnel expert. But I can attest to the procedures required by our office and the Office of Personnel at the Department of Education at that time.

At the end of such procedures, a new employee would have no doubt whatsoever regarding their status, their grade, their pay, their benefits, their promotion rights, employment rights and obligation as a Federal employee and as an employee in the department.

A new employee would know whether their employment is classified as permanent or temporary, protected or nonprotected, and

those kinds of things. Each new employee must sign a form that contains such information, before employment can begin.

The Personnel Department at the Department of Education is a fine one, and it takes pride in thoroughly counseling new employees.

Senator HATCH. Let me start with you, Ms. Holt. You were here in what we would call, in a true trial, in the capacity of really a personal witness as well as a custodial witness. You can help us, it seems to me, figure out the significance and relevance of the telephone log records of the messages received by Clarence Thomas.

Also, since the testimony of Anita Hill on Friday, the issue of whether Professor Hill's telephone calls to Judge Thomas might in fact have been telephone calls to you has been interjected, because she indicated some of them were just calls to you. Is that so?

Ms. HOLT. She did call me on occasion.

Senator HATCH. Are they ones you have listed in these logs?

Ms. HOLT. They are not, no.

Senator HATCH. They are not?

Ms. HOLT. No.

Senator HATCH. And this is your handwriting on these logs, primarily?

Ms. HOLT. Primarily.

Senator HATCH. With regard to these phone calls involving Anita Hill?

Ms. HOLT. Right.

Senator HATCH. Each and every one of them?

Ms. HOLT. Each and every call? No.

Senator HATCH. But I am talking about the ones involving Anita Hill only.

Ms. HOLT. That is what I am saying. No, there is one call on here that—

Senator HATCH. Well, we will go through it. Yes, one call, but all the others are your handwriting.

Ms. HOLT. Right.

Senator HATCH. Now there are 10 messages recorded by you in the telephone log book which I had entered into the record yesterday. Now do these represent all of the times that Anita Hill called or might have called Judge Thomas during the 7 years that you worked for Judge Thomas?

Ms. HOLT. There were other times she called and he was available to take the call, which would mean that there was no indication in the phone log.

Senator HATCH. So there were a number of other times besides the at least 10 that you wrote down, mentioned in these logs?

Ms. HOLT. Right.

Senator HATCH. Were they frequent or were they just sporadic?

Ms. HOLT. They were sporadic.

Senator HATCH. But they were more than one, two, three? Could you give us an estimate?

Ms. HOLT. I would say maybe another five or six.

Senator HATCH. Another 5 or 6, so at least 15 or 16 calls that you received over these years, during the 7 years you worked for Judge Thomas. Is that right?

Ms. HOLT. Right.

Senator HATCH. Were these always cordial calls?

Ms. HOLT. They were always cordial.

Senator HATCH. Was her voice always basically the same? Was it friendly?

Ms. HOLT. It was always friendly.

Senator HATCH. OK. If she called and Judge Thomas were in and available to take the call, that would be put through on most occasions, right?

Ms. HOLT. It would be put through.

Senator HATCH. That you wouldn't write down?

Ms. HOLT. I'm sorry?

Senator HATCH. You would not write those calls down?

Ms. HOLT. I would not write that down, no.

Senator HATCH. OK. Now as you have said, these 10 calls are in your handwriting. So is there any other reason to dispute their correctness?

Ms. HOLT. No, sir.

Senator HATCH. Are you sure of their correctness?

Ms. HOLT. I am, sir.

Senator HATCH. As I mentioned, Professor Hill spoke of you this last Friday as a friend and, you know, attempts to diminish the significance of these messages, it seems to me, were made by her, at least at the one press conference, by claiming that many were calls placed to you and not to Judge Thomas, or Clarence Thomas at the time; that the messages to Judge Thomas were only accidental developments from her conversations with you. Have you heard that?

Ms. HOLT. I heard that, yes.

Senator HATCH. Is that true?

Ms. HOLT. That is not true. Had Anita Hill called me and even asked that I pass on a hello to Judge Thomas, I would have done just that, but it would not have been an official message in his phone log.

Senator HATCH. I see. Now I know it is a long time ago, but can you recall any tension or strain in her voice during any of these calls that she made to you and through you to Judge Thomas?

Ms. HOLT. Never.

Senator HATCH. So these particular questions that she would leave with you, or these particular statements that she made with you, they were basically unremarkable as far as any emotion or any other—

Ms. HOLT. They were unremarkable to me.

Senator HATCH. And they were all friendly?

Ms. HOLT. They were all friendly.

Senator HATCH. And they were all friendly toward Judge Thomas?

Ms. HOLT. They were.

Senator HATCH. Did you sense any animosity or any hostility or any aggravation or—

Ms. HOLT. Never.

Senator HATCH. Never. Is that true during the whole time that you knew her while she worked there?

Ms. HOLT. That is true of the entire time.

Senator HATCH. You were the gatekeeper, weren't you?

Ms. HOLT. I was, yes.

Senator HATCH. Nobody could get in or out without you?

Ms. HOLT. If I was there, that is true.

Senator HATCH. I bet you were a good one. I bet you were a good one.

Now I would like you to go back even further, to the time when all three of you worked at the EEOC. After any meeting or lunch between Anita Hill and Clarence Thomas, did you ever notice anything about Ms. Hill—or Professor Hill, excuse me—and her behavior, her moods or simply the way she looked, that ever led you to believe that anything unusual had really taken place between her and Clarence Thomas?

Ms. HOLT. No, never.

Senator HATCH. Never once?

Ms. HOLT. I never noticed anything.

Senator HATCH. Is it fair to say that their relationship was entirely professional?

Ms. HOLT. I would say that, yes.

Senator HATCH. How about the rest of you? Consider the same questions. Is there anything that would have indicated to you that the relationship was anything less than entirely professional? Ms. Alvarez?

Ms. ALVAREZ. No, sir. They always appeared to be very professional with one another. That was the way Clarence demanded it.

Senator HATCH. Ms. Fitch?

Ms. FITCH. Always professional. The times that Anita Hill and I went out together, and that might be no more than three times in a little over a year's period, we would leave work and we were talking about the job, talking about him, felt that he was going places and wanted to make sure that we, as his personal staff, were in the position to help him do what he needed to do to get there, so no.

Senator HATCH. Ms. Berry-Myers?

Ms. BERRY. I don't remember any time them having anything that was more than professional, cordial, friendly. She always indicated that she admired and respected the man.

Senator HATCH. Always?

Ms. BERRY. Always.

Senator HATCH. Right up to the day that she left to go to Oral Roberts University?

Ms. BERRY. To my knowledge, yes.

Senator HATCH. Now, Ms. Holt, in your opinion, or any of the others of you, is there any other person in the EEOC or any other person in this country who might have been in a better position to know whether or not Clarence Thomas and Anita Hill had anything other than a strictly professional relationship?

Ms. HOLT. I don't think anyone could say that they had anything other than the professional relationship.

Senator HATCH. Now, Ms. Holt, as I read this log, there are four messages in 1984, five messages in 1985, and then only one message in 1986, and then one in 1987, and then there follows a more than 3-year gap without any messages. What is the last message before that 3-year gap, in fact, the last message in the log book itself? What is the message of August 4, 1987?

Ms. HOLT. On August 4?

Senator HATCH. 1987.

Ms. HOLT. "Anita Hill. In town until 8:15. Wanted to congratulate you on marriage."

Senator HATCH. So for each of the years there were a number of calls that you have in the log here, and there were a number of calls outside of the log—

Ms. HOLT. Right.

Senator HATCH [continuing]. That were passed through because he was there, but the log calls stop in August of 1987. Is that correct?

Ms. HOLT. As far as I know.

Senator HATCH. Were there any other calls made after that, other than the two for law schools?

Ms. HOLT. I left the Chairman's office in September, immediately after that.

Senator HATCH. OK. Well, as of that date in August of 1987, what was the message that was in that log?

Ms. HOLT. I'm sorry, Senator?

Senator HATCH. As of the date that I mentioned, on August 4, 1987, in your handwriting, what is the message that was left by Anita Hill?

Ms. HOLT. On August 4?

Senator HATCH. Yes.

Ms. HOLT. "In town until 8:15. Wanted to congratulate you on marriage."

Senator HATCH. And to your knowledge, that was the last one that you ever took, then?

Ms. HOLT. To my knowledge, yes.

Senator HATCH. Now you have independent knowledge, do you not, of Anita Hill's job title while at the Office of Civil Rights. Is that correct?

Ms. HOLT. Right. She was attorney-advisor.

Senator HATCH. She was an attorney-advisor?

Ms. HOLT. Yes.

Senator HATCH. Now do you know how that position is classified by the government?

Ms. HOLT. Right. I know it is a schedule A position.

Senator HATCH. Schedule A. What does that mean?

Ms. HOLT. It means that it doesn't have to go through the normal competitive process.

Senator HATCH. It means that that job is permanent, doesn't it?

Ms. HOLT. Right.

Senator HATCH. In other words, even though she may not be able to keep that first assistant to the—

Ms. HOLT. Assistant Secretary.

Senator HATCH [continuing]. The Secretary that she had with Clarence Thomas, she would be able to go in any other area as an attorney-advisor.

Ms. HOLT. And even if Clarence Thomas' replacement had not wanted to keep her as his attorney-advisor, he could have placed her someplace else within the agency.

Senator HATCH. Now she told this committee that she felt like she had to go along with Chairman Thomas over to the EEOC, if I recall this correctly—you correct me, if you saw it—but that she was afraid that she might not have a job. Do you think—

Ms. HOLT. To my knowledge, I mean, she never asked me what her options were. I didn't think there was any indecision on her part. We were both enthusiastic about going to EEOC.

Senator HATCH. She was enthusiastic?

Ms. HOLT. She was.

Senator HATCH. Well, wasn't that, though, because she wanted to serve in this particularly stronger civil rights area?

Ms. HOLT. We discussed that this man was a rising star and we wanted to be there with him.

Senator HATCH. But wasn't that just you feeling that way?

Ms. HOLT. No, that was her feeling that way also.

Senator HATCH. That he was a rising star, and that she wanted to be part of that rising—

Ms. HOLT. We both wanted to be a part of that?

Senator HATCH. You did, too?

Ms. HOLT. Yes.

Senator HATCH. I understand you because you have expressed your loyalty and your feelings toward Chairman Thomas, Judge Thomas now, but you are sure that that is the way she felt?

Ms. HOLT. I am sure.

Senator HATCH. You took her to lunch; you two went to lunch on a regular basis, didn't you?

Ms. HOLT. We did.

Senator HATCH. I mean, you knew each other real well. You went many times, didn't you?

Ms. HOLT. We went to lunch often.

Senator HATCH. Quite often. Well, what did you and Professor Hill like to talk about? Any particular subject or conversation that is more prominent in your memory than any other? And if you could kind of tie it into—

Ms. HOLT. There was never any particular subject. We talked about men. We didn't talk about sex in any vivid sense, but we talked about it in a very general sense, as indeed many of my women friends and I do.

Senator HATCH. Another other particular—

Ms. HOLT. We talked about work, and we talked about what she did on the weekend or what I did on the weekend, just general conversations.

Senator HATCH. Well, and you never saw anything that would indicate that she had animosity toward then-Chairman Thomas?

Ms. HOLT. Never.

Senator HATCH. Or even at the prior job as Assistant Secretary of Education?

Ms. HOLT. None whatsoever.

Senator HATCH. And you were just about as close to Judge Thomas as anybody could have been, right?

Ms. HOLT. We were—we are very close, yes.

Senator HATCH. You have heard—let me just throw this out to all of you—I am not going to repeat the cumulative charges that would fill a whole page, of what she said Judge Thomas told her as he was pursuing her for dates and, as she implied, maybe pursuing her for something more than dates. Now each of you have heard those, so there is no reason for me to repeat them, but cumulative-ly they are pretty awful. Would you all agree?

Ms. FITCH. Yes.

Ms. HOLT. They are.

Senator HATCH. Could that have happened? Let's start with you, Ms. Alvarez. Could he have used that language with her?

Ms. ALVAREZ. Knowing Clarence Thomas, it is impossible.

Senator HATCH. It is impossible?

Ms. ALVAREZ. In the work environment, he was so professional, he was so—and, you know, I considered myself a friend of his, and I could never be friendly with him in the office. He drew that line. We were friends, and he was my boss, and when I was in the office, he was professional, as well as we knew each other.

Senator HATCH. All right.

Ms. Fitch?

Ms. FITCH. Yes, the probability of that happening, whether in the workplace or outside of it, in my best knowledge is nil, is zero. The probability is just not there. When I heard those things, I knew they didn't come from him.

Senator HATCH. So you are saying you know that it is zero, the chances of him doing that?

Ms. FITCH. The probability of his doing that is zero, Senator.

Senator HATCH. So it really isn't even a probability. It just means it would not have happened.

Ms. FITCH. Yes, sir.

Senator HATCH. How about you, Ms. Holt?

Ms. HOLT. In my opinion, he would never, ever subject any woman to that kind of language.

Senator HATCH. Ms. Berry-Myers.

Ms. BERRY. When I first met with Clarence Thomas in 1982, there was no—we sat in his office. He had a desk, a chair, and the chair I was sitting in. That was all that the EEOC employees left in the Chairman's office. That is how much they welcomed him there.

And we sat down, and from my political background, usually the first thing that you ask a candidate is, "OK, if I open up your closet, what skeletons are going to come falling out? I need to know right now." So I talked to Clarence Thomas about the need to comport himself in a way that there could be absolutely no taint on his reputation, on his character, on his honor, because we were about to embark upon an arduous task.

There wasn't anybody in this town, except perhaps Senator Hatch, that supported that man in the position that he had assumed, so I knew that everything that we did—public policy, program, firing people, anything that we did—he was going to be under microscopic scrutiny because he was a black Republican conservative in an agency that was overwhelmingly neither and in a town that is tough, and he was about to undertake a tough job. And with all the other things that we had to do, we didn't have any time to be dealing with anything that mind besmirch his character.

Senator HATCH. Well, do you have any concerns he might do otherwise?

Senator METZENBAUM [presiding]. Senator Hatch, your time has expired.

Senator HATCH. Let me just finish. This line only takes a—

Ms. BERRY. None whatsoever, and not only would he not, but he instructed his personal staff about the need for us to comport ourselves in such a way as to not disgrace his office.

Senator HATCH. OK. Thank you. My time is up, but I wanted to finish that and allow you to at least finish that thought, and we will come back to you in the next round.

Ms. BERRY. Thank you.

Senator METZENBAUM. Senator Heflin.

Senator LEAHY. Mr. Chairman, would Senator Heflin yield to me just for one question?

Ms. Holt, just so we are not confused, could I ask one of the staff, just would you let me take that just for a moment? We will give it right back to you. I just want to make sure we are all reading from the same choir book here, or log book.

Let me ask you, while he is bringing that up, just these questions: Each time that the log book shows Anita Hill calling, did she connect with Clarence Thomas every single time she called, to your knowledge?

Ms. HOLT. I don't understand.

Senator LEAHY. I mean, did she get through to him? A lot of these are messages. Does the fact that a message was taken here, does that mean that she—

Ms. HOLT. The fact that a message was taken meant that she didn't get to him right away.

Senator LEAHY. It does not mean she got to him each time?

Ms. HOLT. It means she didn't get to him at that time.

Senator LEAHY. OK, and you don't know whether she ever did?

Ms. HOLT. She did. The check mark beside the call indicates that the call was successfully returned.

Senator LEAHY. And how do you know that?

Ms. HOLT. It was my system. I devised it.

Senator LEAHY. OK, but do you know it because you placed the call back?

Ms. HOLT. I placed the call, got them on the line, and I checked it off that the call had been successfully returned.

Senator LEAHY. Senator Hatch asked you if there might have been a lot of other calls, and you were asked once before by the Republican and Democratic staff of this committee, "Do you have a recollection of Ms. Anita Hill calling Clarence Thomas any more times than may have sporadically shown up on three such pages?" And your answer was, "I would not even guess about that. I don't know." Is that correct?

Ms. HOLT. I was saying that I would not even guess about any particular dates, any particular times, or any particular year.

Senator LEAHY. Thank you very much.

Senator Heflin, thank you for your courtesy.

Senator HEFLIN. Ms. Holt, you knew Anita Hill quite well socially.

Ms. HOLT. We were professional friends.

Senator HEFLIN. Professional friends, all right. You went out to lunch together and things like that. Did you ever go out in the evening together, for dinner or something?

Ms. HOLT. Only on one occasion.

Senator HEFLIN. On one occasion. All right. If Anita Hill is telling a falsehood, do you have any explanation why she would be telling it?

Ms. HOLT. I have no idea, sir. She is the only one, I believe, that can answer that question.

Senator HEFLIN. Now, you went from the Department of Education to EEOC with Judge Thomas, Clarence Thomas the Director?

Ms. HOLT. He went over 2 or 3 weeks before I did, yes.

Senator HEFLIN. And then you followed him?

Ms. HOLT. Right.

Senator HEFLIN. And Anita Hill was also one of those that followed him from the Department of Education to the EEOC?

Ms. HOLT. Right.

Senator HEFLIN. Was there anybody else?

Ms. HOLT. That is it, as far as I know, at that time.

Senator HEFLIN. Did he ask you all to come?

Ms. HOLT. He did.

Senator HEFLIN. He did. All right. Now, at that particular time when that move was made was there a good deal of discussion that the Reagan administration wanted to abolish the Department of Education?

Ms. HOLT. I had heard that, Senator.

Senator HEFLIN. You had heard it. Was there any discussion at that particular time that the Reagan administration wanted to abolish the EEOC?

Ms. HOLT. I had not heard that.

Senator HEFLIN. You had not heard that.

Now, did you take dictation from Director Thomas?

Ms. HOLT. Not in the traditional sense of the word. When Judge Thomas wanted to dictate, he stood at my desk and I typed.

Senator HEFLIN. He didn't use a dictaphone?

Ms. HOLT. He did on occasion.

Senator HEFLIN. On occasion. And sometimes he would, in effect, dictate to you letters standing at your desk?

Ms. HOLT. He did.

Senator HEFLIN. He would. All right.

Did you open his mail?

Ms. HOLT. If his mail was marked "personal," I opened it. We had an Office of Executive Secretariat that was responsible for opening all mail addressed to the Chairman.

Senator HEFLIN. To the Chairman. But, if it was personal you would open it?

Ms. HOLT. I would open it; yes.

Senator HEFLIN. All right. Do you know whether or not he received mail at his home?

Ms. HOLT. I have no way of knowing that, Senator.

Senator HEFLIN. You don't know about that.

What was the age of his son at that time in 1982?

Ms. HOLT. I think 6, 7.

Senator HEFLIN. In the mail that you might have opened, did you ever open any mail that contained pornographic materials?

Ms. HOLT. I did not.

Senator HEFLIN. You did not. All right.

Now, did you hear of or know of anyone by the name of Earl Harper at the Washington office?

Ms. HOLT. I am not familiar with him; no.

Senator HEFLIN. You are not familiar with him. All right.

Did any of you?

Ms. FITCH. No, Senator.

Senator HEFLIN. Did you, Ms. Berry?

Ms. BERRY. Yes.

Senator HEFLIN. We went into this and then it was reopened later. It is my information that I now believe may have been incorrect.

Was he in the Washington office?

Ms. BERRY. I am sorry. I don't know for sure which office he was assigned to.

Senator HEFLIN. You don't know that. Well, what do you know about him?

Ms. BERRY. What I know is, and I don't recall all of the facts of the case, I just understand that Earl Harper was alleged to have been a sexual harasser.

Senator HEFLIN. Do you remember, Ms. Holt, dictating, any dictation by Clarence Thomas to the General Counsel pertaining to this man Harper?

Ms. HOLT. I don't remember any specific letters; no.

Senator HEFLIN. Now, Ms. Berry, have you made any statements that suggested that the allegations of Anita Hill were the result of Ms. Hill's disappointment and frustration that Mr. Thomas didn't show any sexual interest in her?

I am talking to Ms. Phyllis Berry Myers.

Ms. BERRY. That is what I said.

Senator HEFLIN. You said that to a newspaper?

Ms. BERRY. Yes, I did.

Senator HEFLIN. What were the facts pertaining to that?

Ms. BERRY. Just my observations of Anita wishing to have greater attention from the Chairman. I think she was used to that at the Department of Education. Wanting to have direct access to his office, as though she had a right to have access to his office. Speaking in just highly admirable terms for the Chairman, in a way sometimes that didn't indicate just professional interest.

Those were my impressions.

Senator HEFLIN. Now, what you are relating to me relates to a sexual interest.

Ms. BERRY. Pardon me?

Senator HEFLIN. What you just related, are you saying that those set of circumstances made you to believe that she had a sexual interest?

Ms. BERRY. That she had a crush on the Chairman? Yes.

Senator HEFLIN. She had a crush on the Chairman?

Ms. BERRY. Yes.

Senator HEFLIN. And would you recite those statements and things that you observed again?

Ms. BERRY. It is in my written testimony, sir.

Senator HEFLIN. Well, I am asking you now, if you would, in order to recite those again as to that. I didn't understand anything that you said—

Ms. BERRY. Had any effect relative to sexual relations. They appeared to be more professional and an attempt to have greater access to him from a professional viewpoint.

Senator HEFLIN. I just would like for you to recite them again, if there is something—

Ms. BERRY. That is your impression. My impression was that Anita wished to have a greater relationship with the Chairman than just a professional one.

Senator HEFLIN. And so you say that the fact that she didn't have as much access and other things that they indicate a sexual interest, as opposed to a professional or a work interest?

Ms. BERRY. Exactly.

Senator HEFLIN. And that is what you are saying.

How would you distinguish between the two?

Ms. BERRY. How would I distinguish between the two?

Senator HEFLIN. Yes. What you recited to me did not appear to be anything other than a work interest. But I would just like for you to go ahead and recite how that is a sexual interest, as opposed to a work interest.

Ms. BERRY. To have in a working environment, in a busy office, part of my responsibilities coming to the EEOC was to help structure access to the Chairman. There was a lot of work to do helping setting up scheduling, helping organize the work flow of a product, determining staff positions, things of that nature. That was one of my responsibilities when I first came there.

To think that you should at any hour of the day, anytime that you want to be able to walk in, have time with him, indicated to me more of a proprietary interest than a professional interest.

Senator HEFLIN. Were you conversant or did you know what the relationship had been at the Department of Education relative to access with her boss there?

Ms. BERRY. Only from her indications. That she was a primary, and whatever that meant, a primary adviser to the Chairman. And I would assume a primary adviser, such as myself or J.C. or Diane, meant someone that had readily—could be readily available to the Chairman.

Senator HEFLIN. Now, we went into this somewhat, Senator Leahy but also Senator Specter in his examination of Ms. Hill went into this question about whether or not she knew Phyllis Berry, and I assume—I don't know how—did the paper refer to you as Phyllis Berry or Phyllis Barry?

Ms. BERRY. Yes, as far as I know. It wasn't a paper. It was a press conference.

Senator HEFLIN. I mean, well whatever it was, was it Barry or Berry?

Ms. BERRY. That was my understanding, that they said do you know Phyllis Berry?

Senator HEFLIN. Is it Berry or Barry?

Ms. BERRY. Berry—B-e-r-r-y.

Senator HEFLIN. All right. Now, Senator Specter asked these questions, and I will read the questions and the answer:

Senator SPECTER. There is a question about Phyllis Barry, B-a-r-r-y, who was quoted in the New York Times on October the 7th, "In an interview Ms. Barry suggested that the allegation [referring to your allegation] was a result of Ms. Hill's

disappointment and frustration that Mr. Thomas did not show any sexual interest in her."

You were asked about Ms. Barry at the interview on October the 7th and were reported to have said, "Well, I don't know Phyllis Barry and she doesn't know me." And there were quite a few people who have come forward to say that they saw you and Ms. Barry and that you knew each other very well.

Then Ms. Hill answered.

I would disagree with that. Ms. Barry worked at EEOC. She did attend some staff meetings at EEOC. We were not close friends. We did not socialize together and we had no basis for making a comment about my social interest with regards to Clarence Thomas or anyone else. I might add at the time that I had an active social life and that I was involved with other people.

Then later Senator Specter asked her:

So that when you said Ms. Barry doesn't know me and I don't know her you weren't referring to just that, but to some intensity of knowledge.

And Ms. Hill answered:

Well, this is a specific remark about my sexual interest and I think one has to know another person very well to make those kind of remarks unless they are very openly expressed.

Now, I am asking, you don't have any question in your mind that Anita Hill knew you. It is a question as to the degree of intensity she knew you relative to whether or not you could form an opinion as to whether or not she had a sexual interest with Mr. Thomas?

Ms. BERRY. Senator, as I indicated in my statement, I worked very closely with Anita and I think that—I don't have the record before me, but I do believe that Senator Specter asked her also, "And she had the opportunity to observe you and Clarence Thomas at the office?" and she indicated that yes, not only did I have the—yes, I did have the opportunity to observe them. And I did have that opportunity.

And my opinion is that Anita had more than a professional interest in Clarence Thomas.

Senator HEFLIN. Well, did he ever indicate any return of it?

Ms. BERRY. No. And, if you continue reading the New York Times article, that is exactly what I said. And I said that "And because of that I think her feelings were hurt."

Senator HEFLIN. Now, Ms. Holt, in regard to telephone calls other than those that you logged, do you have a recollection as to whether there were any additional phone calls that came in from Anita Hill to Mr. Thomas?

Ms. HOLT. What I recall, Senator, is that there were occasions when Ms. Hill would call the office and would be put directly through to Clarence Thomas.

Senator HEFLIN. You have taken a deposition in this case where people asked you questions, and a question was asked you, "Do you have a recollection?"—on page 44—"of Anita Hill calling Clarence Thomas any more times than may have been sporadically shown up on these three other pages?" And the answer: "I would not even guess about that. I don't know."

Have you had changes in recollection since giving that deposition?

Ms. HOLT. As I just indicated to Senator Leahy, I was saying that I would not fathom a guess about any particular day or time or year that she had called him without it being in the log.

Senator HEFLIN. So you are saying that he could have called, or do you know that she called or what?

Ms. HOLT. I know, Senator, that there were occasions when she called and was put directly through to Judge Thomas.

Senator HEFLIN. But those were not recorded and no record is made, is that what you are saying?

Ms. HOLT. Exactly.

Senator HEFLIN. Do you know how often they occurred?

Ms. HOLT. No, I don't. But there weren't that many of them.

Senator HEFLIN. Wasn't that many of them. And over a period of how many years are these phone—that is from 1984, these logs are 1984, 1985, 1986, 1987. Would there have been as many as two or three?

Ms. HOLT. Four or five. Six, maybe.

Senator HEFLIN. It would have probably been what, in the neighborhood of no more than one a year?

Ms. HOLT. Possibly, sir.

Senator HEFLIN. Well, my time has run out.

Senator KENNEDY [presiding]. Senator Hatch.

Senator HATCH. Thank you. Now, let me go back to you, Ms. Berry. If I can call you Ms. Berry for the purposes of this hearing.

Ms. BERRY. That is fine.

Senator HATCH. Did you hear Anita Hill's press conference last Monday?

Ms. BERRY. Pardon me?

Senator HATCH. Did you see Anita Hill's press conference last Monday, or hear it?

Ms. BERRY. Last Monday? Was that October—I don't know dates anymore.

Senator HATCH. Whenever it was, the first press conference.

Ms. BERRY. October 7? No, I did not see her press conference. Reporters starting calling my home asking me had I seen Anita Hill's press conference where she indicated that she was responding to my quotes in the Times article and she indicated that she did not know me and that I did not know her.

And so I issued a statement saying that this is in response to Anita Hill's statement at an October 7 press conference indicating that she did not know me and I did not know her, that is not true. And then I went on to explain how it is that I did, in fact, know Anita Hill.

Senator HATCH. Well, when you heard Professor Hill claim "I don't know Phyllis Berry and she doesn't know me," did you think, as Professor Hill claimed on Friday, that her remark was only meant to indicate that you were not in a position to speculate about her private life or did you give those words what I would call their natural meaning and think that she was not telling the truth?

Ms. BERRY. When I heard it I thought she wasn't telling the truth. Obviously, she knew me. We worked together for many years, and we worked closely together, particularly in the Office of Congressional Affairs, particularly on the Chairman's staff, and I knew of her at the Department of Education. So I had no idea what she was talking about, except that I took her at face value. She said she didn't know me.

Senator HATCH. Well, after Professor Hill denied that she knew you the press conference erupted in applause, which is the largest ovation of the day. What were you thinking at that moment?

Ms. BERRY. I didn't see her press conference.

Senator HATCH. You didn't see it?

Ms. BERRY. I am sorry. I was working on Little League stuff and I wasn't watching television.

Senator HATCH. Well, you have indicated that the reason why Professor Hill has been so reluctant to acknowledge your existence appears to be the fact that you have advanced a theory for why Professor Hill is making these allegations, and your theory is, to say the least, unflattering to her in her position.

Can you repeat that theory as you gave it to the New York Times, and tell us if it still seems accurate to you?

Ms. BERRY. It still seems accurate to me.

Senator HATCH. And what was your theory?

Ms. BERRY. Because Clarence Thomas did not respond to her heightened interest, didn't respond to her in that way. He treated her just like he treated everybody else on the staff. That her feelings were hurt.

And I think opportunities that she thought that she ought to have, access that she ought to have and she didn't receive. I mean it was competitive. We were a tough, strong group of women around Clarence Thomas and he based—we had to perform. We had strict performance agreements, and you had to perform. And, if you couldn't hang, if you couldn't perform, you got his wrath. If you performed, you got his praise.

I think because she was at EEOC not treated special that she didn't feel comfortable there.

Senator HATCH. OK. Ms. Fitch, I was impressed by your statement, as I have been of all of your statements. I am impressed with each and everyone of you, and I think Judge Thomas was very lucky to have you working with him.

But I particularly notice you used the term "decent"—

Ms. FITCH. I'm sorry.

Senator HATCH. I particularly noticed you the used the term "decent" in describing Clarence Thomas.

Ms. FITCH. Yes.

Senator HATCH. Do you use that very often?

Ms. FITCH. Yes. If you talk to the people who talked to me even before I left the Commission, when I went to Lynchburg, VA, when I went to Temple, even at the time that he was nominated for the Supreme Court, I've always used that term about the Judge, and it kicked out for me some time ago, at least a year or two ago, if not longer, that I don't use that term for everybody, and it's not that there aren't other decent people, because there certainly are.

But what intrigues me about him is that I always paid a great deal of attention to his character, this man that I felt had a conscience that operated all the time, that realized the gravity of his position, and I found that impressive and that has a lot to do with my use of that term, and I still don't throw it around indiscriminately and I still call him a decent person.

Senator HATCH. Did you consider yourself a friend of Anita Hill's, and did you have a relationship with her outside of Washington?

Ms. FITCH. Anita Hill and I did not spend a lot of time together. We did not go to lunch, because I don't go to lunch often. We maybe went out three times after work for dinner. We were not prowling Washington or anything. I went to her house on one occasion. When she was in the hospital, I visited her there. At her farewell party at the Sheraton, I was in attendance and I believe I was the only person from the Commission who was there.

After she left the Commission, I stayed in touch with her. We did meet once when she came into town. Subsequently, we tried to get together. I had a house-warming gift for her, but we never caught up with each other.

Senator HATCH. I see. Did you ever hear her mention any problems with Clarence Thomas?

Ms. FITCH. Never. Never. Never, even after she left the Commission.

Senator HATCH. So, both during the time she was there and after she left?

Ms. FITCH. Yes, Senator.

Senator HATCH. OK. Now, your statement mentions that you knew both Anita Hill and Phyllis Berry while you were at the EEOC.

Ms. FITCH. Yes.

Senator HATCH. Is it possible, in your view, that Anita Hill was telling the truth at this press conference on Monday, when she stated, "I don't know Phyllis Berry and she doesn't know me"?

Ms. FITCH. Senator, when I heard that, I was very surprised. I don't know what she meant by it. I took it to mean that she was unaware of Ms. Berry's existence, and I knew that not to be the case.

Senator HATCH. Have you ever heard or ever known Anita Hill to lie on any other occasion?

Ms. FITCH. No, I haven't, Senator.

Senator HATCH. OK.

Ms. Alvarez, did you know Phyllis Berry and Professor Hill at the EEOC?

Ms. ALVAREZ. Yes, sir, I did.

Senator HATCH. So, you knew they worked together?

Ms. ALVAREZ. Yes.

Senator HATCH. In your statement, you noted that Professor Hill was "not a team player," and "appeared to have her own agenda." Could you elaborate on that?

Ms. ALVAREZ. Well, there seemed to be all of us in the group kind of working toward the same goal, and I think we got along with each other, we would occasionally talk, and Anita mostly kept to herself. She was very strong-willed, she liked to do things her way, and that was always the way she—that was the way she gave the impression, that she kind of had her own agenda, her own way of doing things. So, no matter what the rest of the team was doing, she was going to do it Anita's way.

Senator HATCH. Now, you say you knew Judge Thomas well.

Ms. ALVAREZ. Yes.

Senator HATCH. Did you ever hear him ask Anita Hill for a date, the whole time you knew both of them?

Ms. ALVAREZ. No, never.

Senator HATCH. And you knew her well.

Ms. ALVAREZ. I knew her at the office.

Senator HATCH. OK. Did you ever see any indication that either of them had a romantic interest in the other?

Ms. ALVAREZ. No.

Senator HATCH. Did you ever hear of Judge Thomas discussing sex with anybody, including Anita Hill?

Ms. ALVAREZ. At the office, never, sir.

Senator HATCH. Again, I am going to ask you this question. You are his close friend and you worked closely with him. Is it conceivable that Clarence Thomas, the Clarence Thomas you have known and worked with for the past 13 years, that he could have made the perverted statements that Professor Hill said he did?

Ms. ALVAREZ. Not a chance, sir.

Senator HATCH. Did you ever hear Professor Hill express any dissatisfaction with then Chairman Thomas or the way he treated her?

Ms. ALVAREZ. No. No, not at all.

Senator HATCH. If you had a young daughter in her early twenties, would you want her to work with Judge Thomas?

Ms. ALVAREZ. Absolutely. Absolutely.

Senator HATCH. From your experience of working with Professor Hill and Judge Thomas at the EEOC, did Professor Hill think that she had some sort of a special relationship with Judge Thomas?

Ms. ALVAREZ. Yes, she used to give that impression. She used to like to tout the fact that she had worked with him before. You know, when we would get into debates on how we were going to handle an issue, she would say, "Well, I know how he thinks, I know how he likes his papers written or I know the position he wants to take," or something like that. That was something she always sort of held out in front of everyone at the staff, that she had this sort of inside track to him.

Senator HATCH. What I would like to ask each and every one of you is, rack your brains, as people who were around both of them, who have known both of them during that period of time, who really have had a close working relationship professionally and even a friendship relationship with Judge Thomas. How could she have testified the way she did here?

Ms. FITCH. Senator, to me it was incredible. I don't know. I can't answer that. I was dumb-struck. I have no idea.

Senator HATCH. Ms. Fitch?

Ms. HOLT. I have no idea, Senator.

Senator HATCH. Well, let me ask you this: Do any of you believe her testimony here?

Ms. HOLT. I do not believe a word, not one word.

Ms. FITCH. Senator, I don't believe it, either.

Senator HATCH. I didn't hear you.

Ms. FITCH. I'm sorry. Senator, I do not believe a word of it, either.

Senator HATCH. You don't believe a word of it.

Ms. FITCH. No, I don't.

Senator HATCH. How about you, Ms. Myers?

Ms. BERRY. When she could stand up in front of the world and say "I did not know Phyllis Berry and Phyllis Berry does not know me," I can imagine she probably would say anything. I mean, I exist and I existed then. I worked very closely with her, and that wasn't the truth, so it seems to me that if she could not tell the truth on one thing, she could not tell the truth on another.

Senator HATCH. Ms. Alvarez?

Ms. ALVAREZ. I cannot believe one word of her testimony. That is not the Clarence Thomas I know. That is not the Clarence Thomas I worked with.

Senator HATCH. You heard Chairman Thomas' testimony with regard to the allegations that she made on three successive occasions, once to the FBI, once in her 4-page single-spaced typewritten statement, and another one when she appeared here before this committee last Friday, and you heard Judge Thomas' response to that.

Ms. FITCH. Yes, Senator, he said he categorically denied her allegations.

Senator HATCH. He did deny them.

Ms. FITCH. Yes.

Senator HATCH. Did you hear his response on the negative stereotypes?

Ms. FITCH. I heard most of it, Senator.

Senator HATCH. What do you think of those comments made by her attributed to him and his comments back about those comments?

Ms. FITCH. As a historian, I know those comments to be stereotypical.

Senator HATCH. Why would you think she would say that?

Ms. FITCH. Senator, I have no idea. I don't know, but they are certainly kind of pat formulaic statements that people have historically made about black men in this country.

Senator HATCH. Don't they play on white prejudices about black men?

Ms. FITCH. Of course they do, Senator.

Senator HATCH. Of course they do, but why would she use that language, and why would he use it?

Ms. FITCH. Senator, I think what I am trying to say is that it is incomprehensible that she would say these things, incomprehensible that she might believe them. I do not know. I have not talked to her in three years. I don't know.

Senator HATCH. Would those kind of statements, had they been—would those kind of statements, as they are, would they tend to turn some people in this country against Clarence Thomas?

Ms. FITCH. Senator, I have been in the street a lot lately listening to people's conversations, and they have been talking about this process and about this man, and I am finding that most people are concerned about the seriousness of the allegations, they take the issue of sexual harassment seriously. They are not discounting that. They do not believe the things that are being said about this man. They are too pat, they don't—even for people who don't know him—don't think they seem to hang very well together.

Senator HATCH. Now, have any of you women ever heard of any male using that type of language, in order to obtain a date with a woman?

Ms. FITCH. Senator, this was not to obtain a date with me, but when I taught at Sangamon State University in Illinois, in a room with four other people, including an older man who was old enough to be my father, a Federal contract compliance officer said some things like that to me, and nobody said anything in response. I was very hurt by that. I stayed away from him. He had no jurisdiction or authority over me. It's possible for people to say things like that. It is improbable that this man said those things.

Senator HATCH. Well, what do the rest of you feel about that?

Ms. HOLT. I agree that it's impossible for Clarence Thomas to have said those things.

Senator HATCH. Ms. Alvarez.

Ms. ALVAREZ. I agree that it is absolutely impossible for Clarence to have said it.

Senator HATCH. Ms. Berry.

Ms. BERRY. It's impossible and not a great deductive method in my way of thinking. [Laughter.]

Senator HATCH. Well, you know, I hate to tell you this, but I agree with that. You know, people all over this country are trying to figure out how somebody could testify in such a believable manner and say the cumulative total of those awful, ugly, terrible sexual things and expect a woman to date him or expect some form of a relationship with a woman.

It bothers me, because she appears to believe everything that she said, and I myself don't want to call her a liar. But as an old trial lawyer, I have seen witnesses just like that who believe every word they say and every word is absolutely wrong and we have proven it wrong and they still believe it.

I am highly offended, having been the coauthor, along with Senator Kennedy, of the Polygraph Protection Act to protect employees from being forced to go through polygraphs, that this group of handlers of Professor Hill have had her undergo a polygraph.

I can tell you right now, you can find a polygraph operator for anything you want to find them for. There are some very good ones and there are some lousy ones, and a whole raft in between. And to do that and interject that in the middle of this is pathetic, as if it has any relevance whatsoever. It wouldn't even be admissible in a court of law.

Now, I just want to ask you this last question. I have known Judge Thomas for 11 years. I have sat in on all five of his confirmation proceedings. I presided over three of them, as chairman of the Labor Committee. And I have never seen anything to indicate that he would treat any human being like this woman says he treated her.

I am going to ask you to search your minds one last time: Is there anything that could have been misconstrued or construed, in your opinion, that could have caused anyone, including Anita Hill, to say what she did here to the whole world?

Ms. HOLT. Senator, since these allegations surfaced, that is all I've really done, is wonder why——

Senator HATCH. Me, too.

Ms. HOLT [continuing]. Why would she want to tell these lies, and I haven't come up with an answer yet. But I can certainly say that I don't believe a word of it.

Senator HATCH. I think that sums it up pretty well.

Thank you very much.

The CHAIRMAN. Thank you.

Senator THURMOND. Mr. Chairman, I have one question I would like to propound.

The CHAIRMAN. I could ask a couple, too, but you go right ahead, Senator. Instead of going back, we will go to you.

Senator THURMOND. Is it possible that Professor Hill had a crush on Judge Thomas and felt rejected, because he would not date her? Any of you care to answer that?

Ms. BERRY. Since I am the one who said that, you have got to understand, I guess, what kind of man Clarence Thomas is. In many ways, I think he is atypical in his treatment of women. He is respectful of our abilities and our talents and expertise, allowed us to have opportunities that ordinarily women did not have at the Commission.

My own title, as the Director of the Office of Congressional Affairs, is a good example. That is usually the purview of a man. He allowed us to do things that women ordinarily did not have the opportunity to do. He made sure that women were included in almost every aspect of Commission life as it related to job opportunities.

He is courteous, he is generous, he is caring, and I can understand any woman responding to a man that has those kinds of attributes.

Ms. FITCH. Senator, as I said before, on the three occasions—and I don't think it was more than that—that Anita Hill and I did go out after work, from work, it was clear to me that she had very friendly feelings towards now Judge Thomas and that she felt that they were returned.

I knew that she had been with him at the Department of Education. I knew that they had met through a mutual friend, and I knew that she had friendly feelings for him. That made it all the more surprising to me, therefore, that she made these allegations. I never got any sense from her that she had any romantic interest in him at all. From my experience with her, that was not what she was concerned about. As I said before, she saw him as a person who was going places and was going to make a contribution in this country, and both of us felt that we wanted to do whatever we could to help him do that.

In my case, at last, it was not to follow a rising star, necessarily, and I can't say that that was her intention, either. I don't know. We did not talk about him in those terms, but we did talk about him when we went off together, and we talked about work and how we could make him almost perfect. I think it was unreasonable, the things that we wanted him to do, to be completely flawless, to be 100 percent perfect. No human being is that way, and when I was in my twenties I was very judgmental and wanted people to be perfect, too, and I think that was part of the problem. But I don't see that that would have led to this kind of an allegation.

Senator THURMOND. Any other comments?

[No response.]

Senator THURMOND. Thank you very much.

The CHAIRMAN. Just for the record, as the Senator said, I appreciate your direct answer, Ms. Fitch, and yours, Ms. Myers. But I could ask you, for example, is it possible that there is life in outer space? Is it possible there is life in outer space?

Ms. FITCH. Of course, it's possible, Senator.

The CHAIRMAN. Ms. Myers, is it possible there's life in outer space?

Ms. BERRY. It's possible.

The CHAIRMAN. Thank you.

Now, let me ask you another question, if I may. Before I ask you the question, let me make it clear that there has been a lot of discussion about records here and the testimony taken, when you were giving testimony over the telephone or in person or to the FBI, and I am not reading from the FBI. There are things that are said here that seem inconsistent.

I am not accusing you of inconsistency here, but I just want to make sure I understand. You said in a question from staff, in the staff interview—and it is only one thing, so I don't think you have to have the whole page, but if you need it, I would be happy to give it to you, page 57—the staff person asked you, "Did you see Anita Hill's press conference on television?" And your answer was yes.

Then the next question asked you, "Did you find her credible?" Your answer was, "She sounded credible."

Now, that is not necessarily inconsistent with what you said today, but I want to make sure I understand. Today, you said that you believed that you don't believe one word of Anita's Hill testimony. Can you make a distinction between your saying "she sounded credible" and what you said here?

I might point out, before you answer it, I think that other Senators who question for the record should be able to understand that there are these kinds of discrepancies that aren't nearly the discrepancies they are made out to be, but go ahead.

Ms. HOLT. What I meant was, if someone did not know Anita Hill, she sounded credible. I know Anita Hill and I know Clarence Thomas, and I know Clarence Thomas is not the kind of person that would do those things.

The CHAIRMAN. So, notwithstanding the fact you said she sounded credible, in response to the staff—

Ms. HOLT. Right, if I did not know her—

The CHAIRMAN [continuing]. You really meant to say, if you did not know her, you thought she sounded credible?

Ms. HOLT. She sounded credible. She presents herself well.

The CHAIRMAN. And you just failed to say the first part, if you did not know her, she sounded credible, is that correct?

Ms. HOLT. That's correct.

The CHAIRMAN. I accept that. I just want to make two points, one, to clear up the discrepancy, and, two, to point out that witnesses can appear to have discrepancies in these records, and there would be no discrepancy at all, in fact.

Now, let me ask you, Ms. Fitch, you have been extremely precise in your answers. I think you have been extremely precise, you made it absolutely clear that you think Clarence Thomas is an in-

credibly admirable man, an admirable person and one whom you don't believe said this.

For example, in response to my good friend from Utah, you pointed out what I think everyone in America does know, and that is that there are men who do say things like that alleged to have been said by the Judge.

Now, you don't believe that the Judge said that, but you explained to us that you believe——

Ms. FITCH. Yes.

The CHAIRMAN. From other men, not from the Judge.

Ms. FITCH. Not from Judge Thomas, and I do not believe he would say those things.

The CHAIRMAN. I understand that, and I want to make it clear. You do not believe that. You believe he is totally credible.

Ms. FITCH. Yes.

The CHAIRMAN. You believe everything he is saying, but I want the record to show what I think every woman in America knows, that there are men who do say things exactly like what Judge Thomas is accused of saying, notwithstanding my friend from Utah's research creating the impression that it is so unusual that it never happens.

Senator HATCH. Not as a cumulative whole, though.

Ms. FITCH. Oh, no.

Senator HATCH. Well, see, that is what he is trying to get you to say.

Ms. FITCH. Yes.

Senator HATCH. The fact is, he said one statement, but a cumulative whole, if you hung around that fellow——

Ms. FITCH. Well, there might be two or three statements strung together, but no, it is not a whole litany like that.

The CHAIRMAN. Let me put it another way, Ms. Fitch. And I was very fastidious about never interrupting my friend from Utah, and I assume he won't interrupt me again.

Now what do you think, let me ask you, that man who said those things to you, do you think if you had been in his company the next 7 days, he might not have said similar things to you again and again?

Ms. FITCH. Senator, I was very sure he would say those things to me in private if I was in his orbit, so I stayed away from him.

The CHAIRMAN. Thank you very much. That is cumulative.

Now let me make another point, if I may. I want to make it clear, because I understand and I believe everything that all of you are saying. It is clear that you truly believe what you say to be correct and to be a legitimate and accurate characterization of Clarence Thomas. I don't doubt that for a minute. You are under oath, and it is clear that you all believe that. I am not suggesting anybody has been put up to anything by anybody. I believe you believe it.

Now one of the things that has been indicated here is this notion of maybe that the witness, Professor Hill, really was basically the woman scorned, that she really had this romantic interest in Clarence Thomas and that she was spurned, and after being spurned she took up the role in the way that Shakespeare used the phrase,

"Hell hath no fury like . . .," and that is what is being implied here.

Now, Ms. Fitch, you said you have no doubt, as I understand it, that the Professor wanted very much to see the Judge move on and do great things for America.

Ms. FITCH. Be successful in his career, yes.

The CHAIRMAN. Be successful. But I want the record to note—and correct me if I am wrong—that in those conversations with the professor where you drew that conclusion, that she wished to see him succeed.

Ms. FITCH. Yes.

The CHAIRMAN. You also went on to say, unless I misunderstood you, that you did not believe there was any romantic element to that.

Ms. FITCH. Oh, no, Senator, and we both said the same things about him, and for neither one of us was there any romantic talk about him at all.

The CHAIRMAN. Thank you.

Now, Ms. Alvarez, in a statement that you issued after Professor Hill's allegations became public, you observed, and I quote.

Ms. Hill was not a team player and appeared to have her own agenda. She always attempted to be aloof from the staff, constantly giving the impression she was superior to others on the staff.

Then your statement goes on to conclude that Professor Hill had a "pendant for being self-serving and condescending toward others," and that the allegations she made "are absurd and are clearly an attempt on her part to gain notoriety." You also said the charges are "outrageous, ridiculous and totally without merit."

Now, Ms. Alvarez, my question to you is this: Could there be a different conclusion drawn from your observation that during her tenure at EEOC, Professor Hill appeared "aloof from the staff"? You draw the conclusion from that that she was self-serving and condescending. Could Professor Hill's aloofness have resulted from feeling uncomfortable around the Chairman of the Commission?

Ms. ALVAREZ. No, it was not her aloofness that made me feel like she was condescending. She was aloof, and she has been described that way by a number of people. The way she made me feel, she acted condescending towards others, was that she would say she had this inside track, she knew the Chairman better than anyone else, and therefore she had some sort of rights, because she had worked with him before, because she was close to him, because she knew how he thought and that sort of thing. So she condescended to others in that way.

The CHAIRMAN. Well, how about the aloofness part. Could the aloofness be—

Ms. ALVAREZ. Well, she was not aloof from him. She was aloof from the rest of the staff.

The CHAIRMAN. I see. Now how do you know she wasn't aloof from him?

Ms. ALVAREZ. Just in the dealings that I saw. She never seemed to avoid him. She never seemed to try and stay away—

The CHAIRMAN. I see.

Ms. ALVAREZ [continuing]. Or she didn't respond to him in a staff meeting or anything like that. I am saying that with the other staff she was very stand-offish.

The CHAIRMAN. I see.

Ms. Holt, did you find her condescending and aloof? You dealt with her probably more than anybody.

Ms. HOLT. She wasn't condescending to me, Senator.

The CHAIRMAN. She was not?

Ms. HOLT. No.

The CHAIRMAN. I can understand why. She wanted to get in that door, right?

Ms. HOLT. That could have been it.

The CHAIRMAN. Ms. Myers—and my apologies, do you wish me to refer to you as Ms. Berry-Myers or would you prefer—

Ms. BERRY. It doesn't matter, Senator.

The CHAIRMAN. All right.

Ms. BERRY. I know who you are talking to, either way.

The CHAIRMAN. All right. Ms. Myers, did you find her to be aloof and condescending?

Ms. BERRY. I found her to be aloof, and a woman scorned can mean not just in the romantic context, but if your ideas are not longer, the ones that are considered the ones that the Chairman adopts, if your point of view is not given more weight than someone else's, if your—there are many ways, and not just in the romantic sense, but in the ways that—

The CHAIRMAN. I'm sorry. How did you mean them, then?

Ms. BERRY. Pardon me?

The CHAIRMAN. How did you mean?

Ms. BERRY. I meant it with both of those contexts.

The CHAIRMAN. You mean both romantic and in terms of being rejected professionally, in a sense?

Ms. BERRY. Yes. Those were my observations of Anita and the situation.

The CHAIRMAN. I see. Can you give me an example?

Ms. BERRY. Of what?

The CHAIRMAN. Of where she was either rejected and you observed the reaction to her rejection, either in terms of romantic entre or an intellectual entre?

Ms. BERRY. Or an intellectual entre? That was my job, as I said, to be the political eyes and ears, and that sometimes meant that I had to advise the Chairman to take a position that was in his best interest and that of the Commission, and not oftentimes a position that was in the best interests of the bureaucracy or of one side or the other. We had to do what was best in terms of enforcing the law, administering and managing the agency, et cetera, et cetera, and sometimes there were ideological conflicts in that way.

And I have heard Anita characterized in the press as a conservative, and I guess I have a different opinion of what that means. At the Commission I would not have characterized Anita as a conservative. I would have characterized her more as a moderate person or a liberal, and there were times when it was necessary that the conservative view prevail, in my opinion, on some positions that the Chairman took that she adamantly disagreed with.

The CHAIRMAN. How would you characterize yourself, Ms. Myers?

Ms. BERRY. I would characterize—

The CHAIRMAN. As conservative or liberal, I mean, or moderate or whatever.

Ms. BERRY. Now that's a good question. On some issues I am very conservative; on some issues I am not.

The CHAIRMAN. I see that.

Senator LEAHY. Aren't we all?

The CHAIRMAN. Is that not also the case for the Professor?

Ms. BERRY. Obviously, yes.

The CHAIRMAN. I see, so she is just like you, then?

Ms. BERRY. No, she is not. I haven't alleged that Clarence Thomas—

The CHAIRMAN. No, no, no. I mean—

Ms. BERRY. So she is not like me. [Laughter.]

The CHAIRMAN. No, no. I mean in terms of her political ideology.

Ms. BERRY. On some things, perhaps.

The CHAIRMAN. Does anybody else want to ask a question?

Senator LEAHY. This is not a question. I just would like to note something for the record, if I might, Mr. Chairman. And that is that Senator Hatch referred in just the last few minutes to Anita Hill's handlers somehow, Svengali-like—my term, not his—sending her out to take a polygraph.

I would just note for the record, according to her sworn testimony, the first suggestion of a polygraph came when the administration sent the FBI to talk to her. According to what she stated here, she told us that the FBI asked her if she would be willing to take a polygraph and she said—again according to her testimony here—that indeed she would.

I have no idea of the qualifications of whomever administered it or anything else. I have just heard about it. It would not be admissible in a court of law. Nobody is required to take a polygraph, but I just wanted to note, for the record, that the first suggestion of that came not from somebody advising Professor Hill but from, according to her testimony, the people the administration sent out on the investigation that was requested by the White House and this committee.

Senator HATCH. If the Senator would yield on that point, as the co-author along with Senator Kennedy of the Polygraph Protection Act, we did a lot of study of this, and there is no question that polygraphs should only be given under certain circumstances, with the approval of both sides, and not unilaterally by one side that may be very biased. You can find a polygraph operator to do anything you want them to do, just like you can find a pollster. Some pollsters in this country, not many, but some will do anything. They will find any conclusion you want, just by changing the questions.

Then again, polygraph operators, there are circumstances where people really believe what they are doing. They really believe it. It is totally false, but they believe it. She may very well be in that category, and might even pass a real polygraph examination.

So to throw that in the middle of a Supreme Court nomination as though it is real, legitimate evidence is highly offensive, that is my only point, and highly political, and again, too pat, too slick,

exactly what a two-bit slick lawyer would try to do in the middle of something as important as this. Now that is the point I was raising.

Senator LEAHY. Mr. Chairman, the point to be made is that it was the FBI, sent by the White House, who first suggested the polygraph.

Senator HATCH. No, that is not true. That is not true. It was this committee, not the White House. It was this committee.

Senator LEAHY. Is that why the report first goes to the White House?

The CHAIRMAN. Will the Senator withhold?

The FBI was asked by the Majority and the Minority to investigate. The White House, the administration, has to authorize that when we request it.

Senator LEAHY. That's right.

The CHAIRMAN. It was in the FBI—

Senator LEAHY. I am referring to the sworn testimony here.

Senator HATCH. It's a terrible thing, I'll tell you.

Senator LEAHY. The sworn testimony—

Senator HATCH. You only use it when it benefits her.

Senator LEAHY. The sworn testimony of Professor Hill was that she said that she was prepared to take an FBI polygraph.

Senator SPECTER. Mr. Chairman, might I be heard for one minute?

The CHAIRMAN. Yes, you may.

Senator SPECTER. I think on this subject it ought to be said that lie detector tests are not generally admissible in court—

The CHAIRMAN. That is correct.

Senator SPECTER [continuing]. Because they do not have the requisite reliability. I have extensive experience, being the Assistant Counsel to the Warren Commission, which I was present when Jack Ruby's lie detector test was taken, and that is a very different circumstance. But notwithstanding the fact that Jack Ruby passed it all without any indication of deception, when J. Edgar Hoover forwarded the report to the Warren Commission, it was his statement that the polygraph ought not to be accepted because it wasn't sufficiently reliable. And while we talk about it, it is generally accepted, a general principle of law, that a polygraph lie detector test is not admissible in court because of the lack of requisite reliability.

The CHAIRMAN. The Senator is correct, and this is one Senator, and I think most believe that lie detector tests are not—are not—the appropriate way to get to the truth. That wasn't the issue I thought that was being raised here. The issue I thought being raised here was whether or not some slick lawyer cajoled or coerced this particular individual into taking a lie detector test. Now let me—

Senator METZENBAUM. Mr. Chairman?

The CHAIRMAN. Yes?

Senator METZENBAUM. I don't know anything at all about polygraphs or lie detectors, but as I understand it there is a reference paper indicating the credentials of the company or of the man who took the polygraph test. I think it would be appropriate—I think the CIA does use polygraph tests, I don't know that for sure, but I

think they do—and I would just suggest that whatever the credentials are of the individual or company that took the test, that that be included in the record at this point.

The CHAIRMAN. I would object to that. I believe that the admission in the record of a lie detector test this committee had nothing to do with ordering, and cannot vouch for the credentials. And even if they could vouch for the credentials of the person issuing the lie detector test, if we get to the point in this country where lie detector tests are the basis upon which we make judgments and insist upon people having them, and by inference of those who don't have them that they did something wrong, we have reached a sad day for the civil liberties of this country.

That does not go to the issue of whether the individual is entitled to, on their own, ask for a lie detector test. People can make of it what they wish.

Now let me—

Senator THURMOND. Mr. Chairman, I commend you for that stand.

Senator HATCH. So do I, Mr. Chairman.

Senator LEAHY. I happen to agree with it too, Mr. Chairman, while we are passing out kudos here.

The CHAIRMAN. Well, I am flattered. Let's move on. Thank you very much. Now let's move on.

Ms. FITCH, I want to clarify something in the record, again an apparent inconsistency; it may not be.

I have been in and out of the room trying to accommodate some administrative requirements, and I apologize for not being here. Correct me if I am wrong.

I am under the impression that you told Senator Hatch that you did not go to lunch with Anita Hill.

Ms. FITCH. I did. And I said it because I tend not to go to lunch. Period.

The CHAIRMAN. Now, is the letter that you—I don't want to misstate anything. Hang on.

I would like to ask staff to give you this letter, the original of this letter. The letter I am referring to is a letter written by you, allegedly written by you to Ms. Hill. The members of the committee have a copy of this letter.

Again, this may not be an inconsistency. I just want to be sure I understand. This letter, I might add, was submitted to the committee, to me and to Senator Thurmond, on October 12, from Warren W. Gardner, counsel for Anita Hill.

Just so people—while you are reading it, there is nothing salacious in it. There is nothing outrageous. There is nothing, other than for you to explain to me and for the record.

Ms. FITCH. I did, this is my handwriting. Yes.

The CHAIRMAN. Now, will you read—this sounds like a trial. Would you explain the first three or four sentences to us?

Ms. FITCH. Should I read it?

The CHAIRMAN. If you would like. I just want you to explain what appears to be an inconsistency.

Ms. FITCH. Senator, ask anybody, I rarely went to lunch.

The CHAIRMAN. No, I am not suggesting—read the first sentence, or the first two sentences. Unless you think that it is too private to read.

Ms. FITCH. Oh. All right. Read it out loud?

The CHAIRMAN. Yes, would you read it out loud, please.

Ms. FITCH. Life is dull without you. I keep looking for someone to go to lunch with or sneak out to an early movie with.

The CHAIRMAN. That is sufficient.

Ms. FITCH. Now there is nobody.

The CHAIRMAN. That is sufficient.

Now, would you just explain for the record what you mean you say "I keep looking for someone to go to lunch with," "without you," and your statement that you didn't go to lunch with Anita Hill?

Ms. FITCH. I don't remember ever going to lunch with Anita Hill. It is probably just hyperbole, Senator. Really.

The CHAIRMAN. I see. I don't doubt you.

Ms. FITCH. I may have gone into her office with a sandwich that I got from the snack bar and sat in her office and eaten it. But I was not in the office that often.

The CHAIRMAN. Sufficient. I am not being accusatory. I just want, because it is in the record and every Senator has this—

Ms. FITCH. I don't see any inconsistency, what I just said and what is actually the truth. Yes.

The CHAIRMAN. I just want to make the point again that honorable, decent people like you can say things that seem inconsistent, and I hope we understand that other people on the record can say things in the record that appear to be inconsistent and in fact are not inconsistent.

Senator THURMOND. Mr. Chairman, I want to call your attention.

The CHAIRMAN. Sure.

Senator THURMOND. She says "I keep looking for someone to go to lunch with." She didn't say she went to lunch with her.

The CHAIRMAN. No, I agree with that. That is why I just asked. But most people would assume, if I wrote you a letter, Senator, after I retired, which would be long before you will, and I said, "Dear Strom, it's really dull not being in the Senate, I keep looking for someone to go to lunch with," any reasonable person would assume that you and I went to lunch based on that. I don't say we went to lunch, but reasonable persons would assume that. And that is all I wanted to clear up.

Senator THURMOND. I wouldn't say "would" to him. I would say "could."

Ms. FITCH. I think I was writing her a cheery letter. I did miss her. She was one of the first people that I met when—

The CHAIRMAN. Let me make it clear, Ms. Fitch. I totally believe you. I think it is a totally clear explanation. I don't doubt it for a moment, and I don't doubt your credibility.

But, again, I would point it out for my colleagues on the committee who are trying to be very precise. If I wanted to make the case—

Ms. FITCH. Yes.

The CHAIRMAN [continuing]. I could have very easily made the case, and all the press to the best of their ability would write down,

I suspect, and say, "Geez. Biden just tripped her up. Biden just showed that she really did go to lunch with her." And you didn't. I believe you didn't. I accept it.

Ms. FITCH. Senator, I said that I may very well have gone to snack bar and gotten a sandwich and eaten in her office.

The CHAIRMAN. I understand. I understand.

Now, let me move on—and I sincerely do not question your credibility.

Ms. Myers, and I only have a few more questions—well, as a matter of fact, you have been on a long time. I won't ask any more questions.

Anyone else have any more questions? Whomever, Senator Thurmond I recognize.

Senator THURMOND. I recognize Senator Simpson.

Senator SIMPSON. Well, thank you very much. You have been very impressive, and the night wears on and we have got a lot more to do. But I, since we are putting statements and things in the record about polygraphs, I want to get in the record a statement by Larry Thompson, Esquire, former U.S. attorney, with regard to the issue of the total unreliability of a polygraph test, and thank Senators Kennedy and Hatch for the Polygraph Protection Act which protects people from this kind of stuff.

This is a real, you know, bush league kind of a thing in the midst of these type of activities. And most of us practiced law here or somewhere, and it really is quite extraordinary. And then, you know, if the resources of the handlers have been directed to this letter, which is a simple letter of friendship from Ms. Fitch to Anita Hill with nothing in it at all, then it does continue to get to be a longer night.

Whether you had lunch with anybody or nobody, there is nothing in this letter. There is nothing even to be gained from that letter.

The CHAIRMAN. If the Senator would yield?

Senator SIMPSON. I certainly will, because I am commenting.

The CHAIRMAN. It was only offered, not to purport that there was anything in there that was—

Senator SIMPSON. My time is not running. Go ahead. I just want to be sure about my time.

The CHAIRMAN. Your time won't run.

Senator SIMPSON. Okay.

The CHAIRMAN. It was only offered, not to purport that there was anything extraordinary in it, as I said even before I showed it to the witness. It was done, I assume, by not her handlers, by her lawyers. Now, if we are calling handlers, then I assume everybody has handlers out there.

Senator SIMPSON. Mr. Chairman, let's be quite honest here as to what is going on. When Ms. Hill came here to testify the other day, this whole front row was filled with people. I thought they were family. They were not. They were attorneys. Some were friends. Some were paid. And Ms. Hill has a public relations firm which she has hired, or someone has hired for her, and that is public record. So let's get that in to the American people, and know that in these extraordinary activities she does have what anyone would call, could call handlers. A public relations firm for a witness is unheard of during my time here, plus handlers.

The CHAIRMAN. Senator, I am not arguing with that. It is no different than Mr. Duberstein, who has a public relations firm, that has been hired by the White House to "handle the nominee."

All I am saying is there is nothing wrong with any of that. Nothing about it is pejorative, on either side. I don't think we should make it that.

I assume the reason the letter was sent to the Senator and myself—the ranking member—was because there was concern about the testimony being given. I guess why we were given the letter, might come up and be something totally inconsistent with the relationship.

It was not inconsistent. But that is the reason I assume the letter was there.

Ms. FITCH. And it was as I stated, that we were friendly.

The CHAIRMAN. You did. I say for the 400th time.

Ms. FITCH. No. I understand, Senator.

The CHAIRMAN. I am not questioning your integrity. I do not question it. I believe you are telling the truth as you know it, as you have observed it. I believe you.

Senator THURMOND. In fact, you would believe all of them, wouldn't you?

The CHAIRMAN. Yes. I don't question any of them. I do not question any of them as to the facts. I question their judgment sometimes as to being able to make these leaps of faith.

Ms. Myers is a wonderful woman. I question her instinct that says that there was romantic interest. I don't know it to be true or not true. That is pure speculation on the part of Ms. Myers. I don't question anything else that Ms. Myers testified to as the facts.

Senator THURMOND. You might ask her why she said that, if you want to.

The CHAIRMAN. You did. We did. I did.

Senator THURMOND. That is why I said it.

The CHAIRMAN. And now let's go back to the Senator from Wyoming, whose time it is.

Senator SIMPSON. Thank you, Mr. Chairman, and I do appreciate your unflinching patience as we grind on. But I did want that statement of Larry Thompson to appear in the record which, of course, says, as I indicated, that they are not admissible in the workplace. And thanks to Senators Kennedy and Hatch employers are not allowed to use that as a club over their employees.

Furthermore, Mr. Thompson goes on to say, "In the context of these proceedings I understand, based on information from reliable scientific sources, that if a person suffers from a delusional disorder he or she may pass a polygraph test. Therefore, a polygraph examination in this context has absolutely no bearing on whether the events at issue are true or untrue."

That is not my quote. That is his. And now let's go to some questions. Just a few, please.

The calls, the logger of the calls. I have heard about you, Ms. Holt, and I would like to have someone like you as my gatekeeper. But I do, and they are very good. Let me ask you this.

The last call from Ms. Hill, after maybe 15 or 16 calls, some logged, some not logged, some just talking to you as a friend, or if she would talk to Nancy Fitch as a friend, or Phyllis Berry-Myers

as a friend, or J.C. Alvarez, she was someone you knew and I assume, you know—in all the ways I leave it to you. You have described your relationship. I won't embellish that.

But, in any event, there were no more calls to you after the last one about the marriage. Isn't that the last one we have recorded for our records?

Ms. HOLT. That is right, Senator.

Senator SIMPSON. In other words, the calls came from 1984 to 1988, 1987—August of 1987, by a woman who had heaped a garbage of verbiage upon her in her life. And the calls continued to come, 15 or 16 of them, and then they ended on that August 4 day in the afternoon when she found—and did you tell her that Clarence had married?

Ms. HOLT. I don't recall that, Senator.

Senator SIMPSON. You remember that conversation?

Ms. HOLT. Not really. I don't.

Senator SIMPSON. In any event, she left the message, which is of the record, congratulations, and that was that.

Senator THURMOND. On the marriage.

Senator SIMPSON. On the marriage. And so that is the last call that Ms. Hill ever made to your knowledge to the agency?

Ms. HOLT. That is the last one to my knowledge, yes.

Senator SIMPSON. Let me ask—you made a statement, Ms. Alvarez, on page 4. A rather powerful comment about Ms. Hill and your alarm as to what she had done and said. It was something to the effect—you have your statement there?

Ms. ALVAREZ. Um-hum.

Senator SIMPSON. It was page 4. I quote from page 4, at the top: "I don't know how else to say it, but it blew my mind to see Anita Hill testifying Friday. Honest to goodness, it was like schizophrenia. That was not the Anita Hill I knew and worked with at the EEOC. On Friday, she played the role of a meek, innocent, shy Baptist girl from the South who was a victim of this big bad man." That is quite a powerful statement.

Why did you say this reference to schizophrenia?

Ms. ALVAREZ. Because there were two different personalities.

Senator THURMOND. Speak out so we can hear you, please.

Ms. ALVAREZ. There were two different personalities. When I worked with Anita Hill and I knew her, as I said, she was not a victim. She was a very tough woman. She stood her ground. She didn't take a lot of anything from anyone, and she made sure you knew it.

And the person who was here Friday was somebody who played a totally different role. Who was I am meek, I am shy, I am overwhelmed, I am victimized. And that was not the Anita Hill I knew. It was two different personalities.

Senator SIMPSON. Well, based upon the years that you have known her, all of you, and worked with Anita Hill, have any of you ever known her to exaggerate small slights that you might have seen, make a big deal out of something that didn't warrant it?

Ms. ALVAREZ. Well, the exaggeration that I saw in her probably most often was about her relationship with the Chairman. You know, that she knew how he thought, she had some sort of special

insight into him, that sort of thing. That was the exaggeration that I saw.

Senator SIMPSON. And so, and I am going to conclude. So have you ever known her to focus on an injustice of some sort that she felt should be remedied? Have any of you seen that? You do. I just asked you because you used that phrase. And I wonder if any of you have ever witnessed in her some exaggeration of a slight or focusing on an injustice of some sort. Do you recall that?

Ms. HOLT. I don't recall, Senator.

Ms. FITCH. There was once an overreaction that stuck out in my mind. It wasn't important, but I thought it was clearly an overreaction. But it was not about anything terribly important.

Senator SIMPSON. Did you notice anything like that, Ms. Myers.

Senator METZENBAUM [presiding]. Senator, your time is up, and I have tried to be patient. It has gone over for several minutes.

Senator SIMPSON. I know but I haven't—just the final witness, if I might. Did you notice anything like that in what I asked?

Ms. BERRY. Not that I remember. Not that I can remember.

Senator SIMPSON. Thank you, Mr. Chairman.

Senator METZENBAUM. Thank you.

Ms. Berry or Berry-Myers, you made one statement that I found quite interesting. You said that, "In that capacity I have been privy to the most intimate detail of his life," meaning, of course, Judge Thomas.

Were you familiar with the details of his family life?

Ms. BERRY. Somewhat. What I meant by that was having to go through the confirmation process I am witness to like—FBI documents, letters for or against, background checks, you know, those sorts of things. That is what I meant by that.

Senator METZENBAUM. Those are the professional parts. You were saying the most intimate details of his life. Did you know, for example, of his relationship with his son?

Ms. BERRY. Yes. His son and my son were friends, and are friends.

Senator METZENBAUM. And did you know the ladies he dated, if any? I am not even sure if he was married at the time you made that statement.

Ms. BERRY. Yes, I know.

Senator METZENBAUM. You knew the ladies he went out with socially?

Ms. BERRY. Some, yes. Yes. I know of them. Some I know. And I knew his wife, yes. His first wife, Kathy.

Senator METZENBAUM. Do you know about personal problems that he had, if any?

Ms. BERRY. I know how, I know the struggle that it was when he was separating from his wife, what impact that had on his life and his son's life.

Senator METZENBAUM. The reason I asked the question is because Judge Thomas said in his statement, "I do not and will not commingle my personal life with my work life, nor did I commingle their personal life with the work life. I can think of nothing that would lead her to this," was the last sentence. It is not relevant to this point.

But the point is he says that he kept his personal life extremely private. You seem to indicate that it was sort of public.

Let me just ask—

Ms. BERRY. There is not an inconsistency in that or what—what he has said or what I am saying. In the professional contact that I had with this man I also got to know of his private life, his private travails and things. Because that was part of my job in preparing him for processes like this one.

Senator METZENBAUM. Let me just ask each of you a question which can be answered yes or no. Each of you has testified as to the qualities of Judge Clarence Thomas and with a great deal of respect, and one of the—a major issue in this matter relates to Anita Hill's testimony about certain claims of sexual harassment.

I ask you yes or no. Could Clarence Thomas have made such remarks to Anita Hill, whatever those remarks, absent your presence and you would never have known anything about it?

Ms. BERRY. Of course, Senator, if we weren't there we wouldn't know anything about it.

Senator METZENBAUM. Pardon?

Ms. BERRY. If we weren't present, we wouldn't know anything about it.

Senator METZENBAUM. Correct. Would each of you answer? Isn't that the fact for each of you? That you actually would—it would be normal if a man were making such remarks at the workplace or any other place that other workers would not be familiar with those remarks?

Ms. ALVAREZ. Senator, I don't think any of us could account for his time 24 hours a day, even in the office. But we know the man that he is and we know that he is not capable of making those remarks.

Ms. FITCH. Senator, I had said, I think carefully, that I was talking about probability in terms of the Judge, not possibility. Anything is possible, but the probability for me was nil.

Senator METZENBAUM. Thank you, Ms. Fitch.

Ms. Holt, do you care to comment?

Ms. HOLT. It is true that those comments could have been made in private, a private moment between he and Ms. Hill. However, I do feel that if this were going on I would have discerned something at some point, and I did not.

Senator METZENBAUM. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Thurmond?

Senator THURMOND. Senator Grassley will inquire.

Senator GRASSLEY. Taking off on a point that Senator Metzbaum just raised, and following an axiom of politics—or maybe it's one that even ought to be practiced in every day life—if you always tell the truth, then you don't have to worry about what you told somebody else and you won't be in a mode of lying to cover up another lie. So always tell the truth and you won't get in trouble.

As a practical matter, if Mr. Thomas was doing all of the things that Professor Hill accuses him of, he wouldn't have been doing them just with her. It would be a weakness that would come out in conversations and with activities with other people that surely there is no way that this could have been covered up.

I mean it would have come out some place if a person had a weakness like this.

Ms. BERRY. That's my belief.

Senator GRASSLEY. I primarily ask the question, not based on your understanding of personal behavior, but rather in your office. In your office environment could anything like this have been kept secret?

Ms. FITCH. Senator, no. My office was not in the suite of the Chairman. It was on staff floors and I heard all kinds of things about things that were happening in the Commission, about other people. There were never any stories floating around about the chairman in a negative or of this kind of nature is what I am saying.

Senator GRASSLEY. And especially in Washington, D.C. If two people know about something it is no longer a secret in this town.

Ms. BERRY. And there were no secrets at the EEOC, believe me.

Senator GRASSLEY. There were no secrets at the EEOC?

Ms. BERRY. No secrets.

Senator GRASSLEY. So I mean there is no way, given how people are, especially in this town, that an activity like this could have been a secret?

Ms. HOLT. No.

Ms. BERRY. No.

Senator GRASSLEY. Okay. I have just kind of a comment about something that Senator Leahy asked you folks. He asked if you had any information about why Anita Hill would jeopardize her career by coming forward with public allegations about Judge Thomas.

Now, I am not sure that this is a relevant question. Professor Hill admits that she never expected her allegations to be made public, so the possibility of public disclosure must not have been a factor in her decision to accuse Judge Thomas. And by making secret allegations behind closed doors she would not have to worry about jeopardizing her career or reputation.

Does that sound reasonable to you?

Ms. FITCH. I have said previously that I have no idea of motivation. I can't ascribe motivation to other people, only to myself.

Ms. BERRY. And I am not a mind reader, Senator, so I have no idea what was going through her mind.

Ms. HOLT. I have no ideas.

Ms. ALVAREZ. I have no explanation.

Senator GRASSLEY. There has been some suggestion by Ms. Alvarez that there may be two Anita Hills, because you never knew the one that you saw on television. I want to ask the other three of you, while you were working with Anita Hill, did you see that she could have been two different people? You saw her as an aggressive lawyer arguing for her position very vocally, fighting for her position, etc.

Did you ever see another side to her, so that there could be some reason to believe that she was other than just this aggressive person? Any hint of that in any way?

Ms. HOLT. I never saw another side.

Ms. FITCH. I saw her as a smart person and also as a reserved one and that is pretty much what I saw the other day, except the

story was something I had never heard before. No, so the answer is, no.

Senator GRASSLEY. Okay. Ms. Berry?

Ms. BERRY. No.

Senator GRASSLEY. Let me also ask you about Professor Hill: you know the old saying that a certain individual would even walk on their grandmother to get ahead. Is she the sort of a person? Did you ever see her as being that sort of a person that would do anything just to get ahead?

Ms. FITCH. No, Senator.

Ms. HOLT. No, I did not.

Senator GRASSLEY. Ms. Berry.

Ms. BERRY. To have ambition, to be ambitious, yes, but to do anything? I don't know.

Ms. ALVAREZ. I also saw her as quite ambitious and I have said so. To take it to the extent that she has, I think it kind of got out of hand, maybe before she even realized it.

Senator GRASSLEY. My time is up.

The CHAIRMAN. If you need more time, Senator, go ahead, take a few more minutes. You have been very patient, extremely patient.

Senator GRASSLEY. Given your expertise as a historian, Professor Fitch, I wondered if I might ask you to draw on that background for a moment. You heard Judge Thomas testify Friday comparing his treatment here to a lynching. I would like to have you explain or elaborate on that comparison for us.

Why is this ordeal, defending against a charge of sex harassment, similar to a lynching, as he put it?

Ms. FITCH. I haven't talked to the Judge since he made those comments, but when he made those comments I felt that I understood them. I have a student who is working on lynching right now, so I have been thinking about this. Lynching was something that was done to intimidate people, that was done to control them, as well as kill them. And I think, if I understand what the Judge was saying, was that this was an attempt to do that to him; that the process, the subsequent confirmation hearings process, this process was patently unfair, that it was a way to neutralize and control and intimidate not just him, but possibly through him, any person that was considered, as he put it, uppity.

When black soldiers came back from World War I, they felt that they had proved themselves to the country and to their fellow citizens; and wore their uniforms down south and that was a sure way to get yourself lynched, because they were wrapped, so to speak, in the American flag. That was to tell these people that they were not Americans. I see a connection and understood what he meant by that. He said electronic lynching, I believe.

Senator GRASSLEY. Well, do you sense then that there has to be a larger group of people that see him or people who think like him as a threat that must be put down right now or worry about what will happen if they are not put down right now?

Ms. FITCH. Senator, I have talked to a colleague who worked with us on personal staff who you may have a statement from, I am not sure, and we talked about this on the phone and his words, subsequently, I think used in the press were character assassination. For me the operative word there is assassination. And the other word

is neutralization and I felt and some of us do feel that any person of color in this country who goes against the stream of what people think black people in this country should be thinking and feeling and doing by so distinguishing themselves, put themselves at great risk.

This is not something that my colleague and I felt only because of the last few weeks. This is something we talked about years ago and tried to talk to the Judge about, and in a comment to a friend last evening, I said, if he didn't understand what we were trying to say then—and obviously we were not beating him over the head with it, because it is a very uncomfortable thing to say to someone—I was assured that after his testimony of the last 2 days he understood it now.

Senator GRASSLEY. Yes. I had a black leader in my State advise me to be against him, saying. "He doesn't even speak our language."

What is meant by that? I honestly don't know.

Ms. FITCH. Senator, I don't know what the person who said that meant, but I think it means that that person is somehow perceived to be outside the group, is not in some perceived lock-step. And I think if you look at the history of black people in this country you see that people have always had diverse views. We are not a monolithic community in thought. And I think that is a huge mistake for the dominant society to think and for us to buy into.

And I suppose that—I don't know the situation you are talking about—but that is probably what that meant.

Senator GRASSLEY. Well, have you ever heard other black American leaders use the expression, he doesn't even speak our language?

Ms. FITCH. I don't know if I have heard the exact words, but I have gotten the distinct impression from working and watching Judge Thomas and how he seems to be perceived by black leaders, some of them, that that is something that they are saying, in effect, if they are not using those exact words. So I understand what that means.

Senator GRASSLEY. Well, it is almost like denouncing the individuality that we worship in America.

Ms. FITCH. I think, Senator, the problem is that when you are a community under siege it is very difficult for people to want to allow diversity of opinion. It is understandable. I don't like it but it is understandable and I don't think in any situation where you have communities that are considered minority and where there are a majority community around them that you are going to find this kind of attitude.

Senator GRASSLEY. In other words, we are all going to hang together or hang separately?

Ms. FITCH. That, I think that is one way of explaining it, yes, Senator. That may be a simplistic way of doing it. I am sure there are other things involved, but, certainly that is one way of putting it. And I don't think it is just true in this country, it's probably true in South Africa, and in other places where there are communities under siege within the countries that they live in, and the societies that they live in.

Senator GRASSLEY. So you intellectually lynch the people who do want to—

Ms. FITCH. That's one way of doing it, Senator. That is probably the lesser of many evils.

Senator GRASSLEY. Okay, I am done.

The CHAIRMAN. Thank you, very much.

Let me clear up two facts and you have been here a long time. We are not going to hold you much longer. But Ms. Holt, on the last page of the transcript that you have in front of you of your logs, there is an insertion or an addition, an addendum, that has one message on it, the very last page. And it is in a different form than the others are and it says, "Judge, 11-1-90, 1:40", etc.

And the handwriting seems to be different from all the other handwriting.

Ms. HOLT. It is different.

The CHAIRMAN. Is it yours?

Ms. HOLT. No, it isn't. This was probably taken at the court.

The CHAIRMAN. I want the record to show that this is not admissible as part of your telephone logs and it is not admissible in the record. Ms. Holt cannot testify as to whether or not this is true, is that correct, Ms. Holt?

Ms. HOLT. That is correct, yes.

The CHAIRMAN. So, therefore, it is not admissible as a part of the record.

Now, let me ask one other thing. Do any of you know Sacari Hardnet?

Ms. HOLT. I knew her, Senator.

Ms. FITCH. Yes, Senator.

The CHAIRMAN. Do you, Ms. Alvarez?

Ms. ALVAREZ. No.

The CHAIRMAN. Ms. Fitch, you know her?

Ms. FITCH. Yes.

The CHAIRMAN. Ms. Holt you know her?

Ms. HOLT. Yes.

The CHAIRMAN. Ms. Myers, do you know her?

Ms. BERRY. No, I don't know her.

The CHAIRMAN. Now, can Ms. Fitch and Ms. Holt tell me who she is? Ms. Holt?

Ms. HOLT. She was a legal intern in the Office of the Chairman.

The CHAIRMAN. At EEOC?

Ms. HOLT. At EEOC. What happens is that we hire legal interns while they are still in law school. When they graduate law school they have a certain period, and I don't know what that is, to pass the bar. Their titles are then changed to attorney.

Ms. Hardnet completed law school but she failed the bar so she had to be dismissed from her position.

The CHAIRMAN. I see. Do you know who she is?

Ms. FITCH. Yes.

The CHAIRMAN. What do you know of her?

Ms. FITCH. Senator, the same thing.

The CHAIRMAN. Did you work with her at all?

Ms. FITCH. I vaguely remember that I might have been involved in some project or she might have been involved in some project I was working on. I remember her but I can't tell you what that

project might have been about and I don't recall that she was there more than maybe 9 months.

The CHAIRMAN. More than maybe—

Ms. FITCH. I don't think she was there more than 9 months, if possibly that long. That's my recollection.

The CHAIRMAN. What is your recollection, Ms. Holt?

Ms. HOLT. No more than a year, at any rate.

The CHAIRMAN. Did you hear the Chairman's testimony last night?

Ms. HOLT. I did.

The CHAIRMAN. The Judge's testimony and the Judge will have an opportunity to come back and he can clarify this, but maybe you can help me. Remember when I was asking him about legal assistants, you may remember I asked him who his legal assistants were and he corrected the record and he said I had more than one legal assistant?

Ms. HOLT. I think he was referring to the Department of Education.

The CHAIRMAN. Thank you. That was my question.

I also want the record to show that my friend from Wyoming, in an attempt to save me from myself, has suggested to me that it was not William Shakespeare who said, "Hell hath no fury." I still thought Shakespeare may have said it as well, but he says William Congrave said it, and the phrase was, "Heaven hath no rage like love to hatred turned, nor hell fury like a woman scorned."

I want the record to show that and thank him for that. [Laughter.]

I also must tell you that I have my staff researching Shakespeare to see if he said it, not that I think Mr. Congrave would ever plagiarize Shakespeare. [Laughter.]

Does anybody have any further questions?

Senator SPECTER. Could I inquire, Mr. Chairman?

Senator THURMOND. Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

I welcome the chance to talk to you ladies because you are an unusual panel here which is testifying on behalf of Judge Thomas, but knows Professor Hill very well. What we have been searching for in this long proceeding is some way to understand the issue of motivation and each of you has testified very forcefully that you think Judge Thomas is correct that the charges are false.

Let me start with you, Ms. Holt, because you seem to know Professor Hill very well. Were you surprised when these charges were leveled?

Ms. HOLT. I was absolutely surprised, I was in shock.

Senator SPECTER. Well, knowing—I expected that to be your answer—knowing Professor Hill as you do and being confident that Judge Thomas is in the clear, do you have any insight to shed on what Professor Hill may be doing, what her motivation is, if you think she is not telling the truth?

Ms. HOLT. I know, I mean the allegations she has made are not even in character with Clarence Thomas.

Senator SPECTER. But is it in character with Professor Hill to make such charges?

Ms. HOLT. I never thought so, sir.

Senator SPECTER. So you have it out of character for Judge Thomas to do this and you have it out of character for Professor Hill to make the charges.

Ms. HOLT. Right.

Senator SPECTER. Then why is she making the charges?

Ms. HOLT. I have no idea, Senator.

Senator SPECTER. No speculation?

Ms. HOLT. None whatsoever, but I hope they find out.

Senator SPECTER. Well, I think that with you four women we have as good a chance to find out as any way.

Ms. FITCH, you were very friendly. You didn't go to lunch with her, but you knew her very well.

Ms. FITCH. We might have had lunch, Senator.

Senator SPECTER. I am sorry, I can't hear you.

Ms. FITCH. We might have had lunch together, Senator, I am not—

Senator SPECTER. But at any rate, you were close to her, you were friendly with her?

Ms. FITCH. Yes, exactly.

Senator SPECTER. And when you first heard of these charges against Judge Thomas what was your reaction?

Ms. FITCH. I was stunned. I was absolutely stunned.

Senator SPECTER. Stunned?

Ms. FITCH. Yes, and I still am.

Senator SPECTER. Still stunned?

Ms. FITCH. Yes.

Senator SPECTER. Was it in character for Professor Hill to make false charges like this?

Ms. FITCH. I have never known Professor Hill to make false charges. And as I said—

Senator SPECTER. Well, you knew her very well for how long?

Ms. FITCH. We were together from July 1982 to whenever she left in 1983, and I stayed in touch with her for possibly 2 years and I called maybe once every other month.

Senator SPECTER. Lots of contacts?

Ms. FITCH. Excuse me?

Well, when I was in the office and she was in the office we saw each other.

Senator SPECTER. Talked to her a great deal?

Ms. FITCH. Yes, I did because—

Senator SPECTER. Got to know her pretty well?

Ms. FITCH [continuing]. I felt she was kind of the person I could of relate to since I was new on the staff and she had been with the Chairman for some time, and I just felt that she was somebody I kind of gravitated to, to kind of get—

Senator SPECTER. But no idea, not any speculation?

Ms. FITCH. No speculation because there was no basis in the conversations that we have had and we had many at work.

Senator SPECTER. Ms. Berry, you have testified that your relationship was barely speaking professionally and we have already had extensive—

Ms. BERRY. With Angela Wright, but not with Anita Hill.

Senator SPECTER [continuing]. No, no, I am coming with Professor Hill. Oh, your relationship with Professor Hill was—

Ms. BERRY. She has described it, and it was so, that it was a cordial, friendly, professional relationship.

Senator SPECTER [continuing]. So, were you surprised when you read her statement in the news conference on October 7 that referring to you, that she doesn't know me and I don't know her?

Ms. BERRY. Yes.

Senator SPECTER. When you first heard of the charges by Professor Hill against Judge Thomas, what was your reaction?

Ms. BERRY. I was devastated and I was angry. I couldn't understand how someone—for a man who helped nurture her career, on the word of a good friend of his and hers, gave her a job at the Department of Education, subsequently asked her to join him at the EEOC, come to the EEOC, gave her responsibilities there, supported her, acted as her mentor, gave her recommendations to go to Oral Roberts, helped her to secure that job—

Senator SPECTER. But is she the kind of a person to make false charges, prior to the time that these were made?

Ms. BERRY [continuing]. I hadn't known her to be such.

Senator SPECTER. How well did you know her?

Ms. BERRY. I knew her professional. I'm not much of a socializer, but I didn't socialize.

Senator SPECTER. But over how long a period did you know her professionally?

Ms. BERRY. I knew her from 1982 until the time that she left the Commission.

Senator SPECTER. Did you talk to her fairly often?

Ms. BERRY. Yes, it was part of my responsibility.

Senator SPECTER. But no idea at all why she would be motivated to make false charges?

Ms. BERRY. No idea whatsoever.

Senator SPECTER. How about you, Ms. Alvarez, how well did you know her?

Ms. ALVAREZ. No, I knew her professionally. I did not know her as well as some of these others did.

Senator SPECTER. How long did you know her?

Ms. ALVAREZ. From the first time, my first day at the Commission until she left.

Senator SPECTER. What was your reaction, when you heard these charges by Professor Hill against Judge Thomas?

Ms. ALVAREZ. I was shocked. I was absolutely shocked, and I was sickened by it, because, likewise, I knew that he had helped her on lots of occasions, and I just felt like it was a betrayal.

Senator SPECTER. Ms. Holt, this committee has to make a judgment. We have heard people of the panel before you four women came on, who said that they had total confidence in Professor Hill. You women have said you have total confidence in Judge Thomas. Can you give any clue, any clue at all as to how this committee can break that deadlock?

Ms. HOLT. Senator, I guess for all of us—again, we were talking about probability, we are talking about patterns of behavior that we have not witnessed—we are talking about the fact that up to the time of these allegations, we never heard anyone else make such allegations in our presence, talk about such things. We never heard rumors flying about this Chairman, Clarence Thomas—

Senator SPECTER. But how about the behavior or patterns of behavior of Professor Hill?

Ms. HOLT. Senator—

Senator SPECTER. You never heard her make a false charge, did you?

Ms. HOLT. No, I haven't, but I guess my focusing on constructive looking at people—my focus has been on Judge Thomas. I cannot—

Senator SPECTER. Why not put a focus on Professor Hill?

Ms. BERRY. On October 7, I made—

Senator SPECTER. You first, Ms. Fitch, and then you, Ms. Berry.

Ms. HOLT. Well, I have been out of touch with Professor Hill for 3 years, so I may have written her lately about my last position, but I have not heard back from her. I can't say what she may be doing or thinking since the last 3 years that I last spoke to her. I have periodically run into the Judge and talked to him, stayed in touch with his mother whom I met when I was in Savannah, so it is not the same thing.

Senator SPECTER. What did you want to add, Ms. Berry?

Ms. BERRY. Well, on October 7, I heard a false charge, "I do not know Phyllis Berry and she does not know me."

Senator SPECTER. Let me ask one other question for response by all of you, and it is this: Is it possible that Professor Hill could think this happened and it did not? We have explored that possibility, and you are not professionals and I don't know how much insight the professionals can provide, but each of you women knew her rather well, especially Ms. Holt and Ms. Fitch.

One of the questions that has been going through my mind that I started out with was some effort to reconcile the testimony of these two people who appear to be so credible. I had thought that it might be possible to reconcile them, frankly, until I heard Professor Hill's testimony and the expanded nature of the charges which were made at that time—very different from what she put in her statement and very different from what she had told the FBI, and when I saw those expanded charges, it didn't seem possible to reconcile them.

But we have a situation here where you have a pattern of conduct toward Judge Thomas, which is admitted to by Professor Hill, where she has a very cordial relationship, no indication of anger, moves with him from one job to another, she does tell one friend and tells that friend that she has only told her, and then three more people come up today, which I hadn't heard about until yesterday, and the charges are expanded and Ms. Berry has speculated about the spurned woman approach.

But can you women shed any light on the possibility that Professor Hill might have had an attachment or a feeling which would have led her to think about these things?

Senator Hatch yesterday put into the record some speculation, and that is what we are doing here, pure and simple. But you women know her well enough, so that I think you might have some insight into it, in terms of the case, which had the reference to "Silver" and reference to some other facts which came from another case. And without impugning any impropriety or wrongdoing, what do you think, Ms. Holt? I think you know her the best

of anybody on the panel. Do you think it is conceivable that Professor Hill might really think this happened, when it didn't?

Ms. HOLT. I think that's the only conceivable answer, Senator, because I do not believe it happened.

Senator SPECTER. Well, you don't believe it happened and you can't find any motivation for her.

Ms. HOLT. I can't find any motivation for her saying that it did happen.

Senator SPECTER. Do you think she is the kind of a person who would come here under oath and say that it happened, if she didn't think it did happen?

Ms. HOLT. I don't know. She didn't appear to be that type of person when I knew her.

Senator SPECTER. You knew her second best, Ms. Fitch. Do you think it is possible that she really believes in her mind today that it never really happened?

Ms. FITCH. I think it's possible. I may be on shaky ground here. I have read a little bit in psychiatry, but there is something called transference. I'm not talking now about Professor Hill, but just in general terms.

My understanding of what transference means is that you may have strong feelings about someone and you're able to focus on someone who is either a therapist or someone who has been kind to you, and things get kind of muddled and they carry the burden of whatever someone else may or may not have done or what is something that you think actually happened.

So, there are any number of explanations, I would suspect, that would say that she is not a liar, but that this did not happen, but that, yes, she could probably pass a polygraph test, because she does sincerely believe that this happened with this person. And I say again that I do not believe in the allegations.

Senator SPECTER. Well, have you seen anything in her personality or had any experience with her, because you knew her very well, which would give you some factual basis or some feeling that she might think that it happened, when, in fact, it didn't?

Ms. FITCH. Senator, that's why I said I am not talking about Professor Hill, but just in general terms about this idea of transference. No, I can't say that I have.

Senator SPECTER. Ms. Alvarez, what do you think about that possibility?

Ms. ALVAREZ. I didn't know her well enough personally to be able to say that she was—that this would be something she would do. I didn't see her professionally as somebody who would do that. I do recall her being very ambitious, and—

Senator SPECTER. Is this going to help her ambition?

Ms. ALVAREZ. Well, she is—

Senator SPECTER. Her life is not going to be any easier now.

Ms. ALVAREZ. Well, I think she has now become, as I think somebody on this committee put it, the Rosa Parks of sexual harassment. You know, the speaking engagements will come, the book, the movie. I mean I don't know.

Senator SPECTER. Do you think that's her motivation?

Ms. ALVAREZ. I don't—I'm speculating. I have had to try and sort out what I think, why I think she might have done it. I think that

it might have started off as a political, she was a political pawn, and the situation got out of control and she took it—

Senator SPECTER. So, you think she is deliberately not telling the truth, as opposed to saying something that she thinks might have happened, when, in fact, it didn't?

Ms. ALVAREZ. Yes, because I did not know her personally well enough to make a judgment on her personality and whether she was capable of that fantasy. My only way of looking at it is that it is a professional, I mean it is a personal move on her part, to advance her.

Senator SPECTER. Ms. Berry, you have the final comment. You had started off with a quotation of the New York Times, which I asked Professor Hill about, saying that you thought there might have been a romantic interest that was denied. Do you think that—well, you've already said you don't think she's the kind of person that makes something up, but you disbelieve what she said. Do you think that, based on your knowledge of her, that there could be a situation where she thinks it happened, but, in fact, it did not?

Ms. BERRY. A point I would like to make, I was listening some to Mr. Carr's testimony this morning or today, and he had indicated that Anita said to him that "I was harassed by my supervisor." Clarence Thomas was not the only supervisor that Anita had, and Mr. Carr seemed to make this gigantic leap, because he knew that she was on Clarence Thomas' personal staff, that the supervisor that she must have been referring to was Clarence Thomas.

Senator SPECTER. Who were others who could be classified as a supervisor?

Ms. BERRY. Mr. Roggeron was her supervisor in Congressional Affairs, and when I succeeded him to Congressional Affairs, he became the Executive Assistant, and so he was also her supervisor. How can I say this? Mr. Roggeron doesn't have such an impeccable reputation.

Senator SPECTER. So, you think, in the case of one of the witnesses this morning, Professor Paul might just have the wrong man?

Ms. BERRY. I am saying that's possible. He seemed to make that—he didn't identify. He said, "Anita Hill said to me that she was being harassed by her supervisor," and he said, "I dominated the conversation and, because she worked for Clarence Thomas, it must have been Clarence Thomas."

The CHAIRMAN. Senator, it is time to switch.

Senator SPECTER. If I may make just one more comment, Mr. Chairman. I had not heard what Senator Kennedy said this morning, and I waited until I got a transcript of the record, because I didn't want to make a comment, without being precise as to what Senator Kennedy had said.

When I got a transcript of the record about 15 minutes ago, I told Senator Kennedy that I was going to raise this point, because I strongly disagree with what he said, but I wanted to be sure, before I took issue with it.

When Senator Kennedy had a turn earlier today, he said, "But I hope, Mr. Chairman, that after this panel, we are not going to hear any more comments unworthy, unsubstantiated comments, unjusti-

fied comments about Professor Hill and perjury, as we heard in this room yesterday."

I want to say that the comments I made yesterday were not unworthy, were not unsubstantiated or unjustified. On the contrary, they were well-based and well-founded in the record. It is a little late to debate it now, but I am prepared to do so, at your pleasure, Senator Kennedy.

Senator KENNEDY. Well, Mr. Chairman, it is nonsense to suggest that Professor Hill committed perjury or anything remotely approaching it. It was very clear what she was saying to Senator Specter.

Initially, she said no one on the committee staff had suggested to her that Judge Thomas might withdraw quickly and quietly, simply because she made an allegation to the committee. Later, she said the possibility of withdrawal had come up, but in the context of a very different kind of conversation about the various things that might happen down the road as one of a broad range of possible outcomes, if Professor Hill reported what had happened. That's an obvious distinction between the two statements, and it is preposterous to call it perjury.

The CHAIRMAN. Gentlemen, before you—

Senator SPECTER. Just one reply, Mr. Chairman.

I regard that comment and characterization as preposterous. I did not start this argument, but I am not going to back away from it. To be in this committee room and to say that they are unsubstantiated is just patently wrong. I asked the question repeatedly, and there was no doubt about it. The witness was very evasive, and then the witness was really decisive in saying that no staffer had approached her with a suggestion that Judge Thomas might withdraw. Then, in the afternoon, in an unresponsive way and a way which really showed calculation, she slipped in a comment to the contrary. I think, having had some experience in the field, that what she said was just flatly untrue in the morning and she changed it in the afternoon. I think she did so, knowing that it was a recantation and avoided a problem.

Thank you, Mr. Chairman.

Senator KENNEDY. Well, if I could be recognized 30 seconds.

The CHAIRMAN. Gentlemen, I will recognize the Senator from Massachusetts for 30 seconds, and then I respectfully suggest that this debate is likely to go on on the floor anyway, and I would ask that we end it. In the meantime, shortly after, I am going to ask the women on the panel whether they need a break. They have been sitting there a long time. I don't know how much people have to go.

I yield to my colleague from Massachusetts.

Senator KENNEDY. Senator Specter has repeatedly effectively what he said in the transcript, when he said "I went through that in some detail, because it is my legal judgment, having some experience in perjury prosecution, the testimony of Professor Hill in the morning was flat-out perjury. She specifically changed it in the afternoon, when confronted with the possibility of being contradicted, and if you recant during the course of proceeding, it is not perjury, so I state very carefully as to what she had said in the morning."

But in the context of those continual denials, consulting the attorney, repeatedly asking the question, I believe this was at a time when I did interrupt. I know that the Senator from Pennsylvania didn't think it appropriate, but some of us thought he was attempting to put words into the mouth of Professor Hill. He went on and simply stated "was false and perjurious, in my legal opinion, and the change in the afternoon was a concession fatally to that effect."

Mr. Chairman, rather than going through the reference parts now and taking the time, I would like to ask that those parts of the record that refer to those exchanges be included now in the record, and the members can make up their own mind. The members can make up their own mind as to what conclusion they would draw.

Senator SPECTER. That is satisfactory to me.

The CHAIRMAN. Without objection, so ordered.

[The information referred to follows:]

POLYGRAPHS

It has been mentioned already in the course of this hearing that Professor Hill, on her own and not in response to any request from this Committee, took a polygraph examination -- a lie detector test -- which she passed. She was asked about her allegations regarding Judge Thomas, and the test concluded that she was not lying.

It has been suggested that this polygraph test somehow violated the 1988 polygraph law. That is nonsense. The 1988 law simply banned certain employers from requiring employees to take polygraph tests in certain circumstances. It did not prohibit employees from voluntarily taking the tests in any circumstances.

The bill even allowed employers to require employees to take polygraph tests when the employer was investigating certain specific crimes and had reason to suspect a particular employee. And firms such as security firms are allowed to use polygraphs in any circumstances. And the bill did not ban polygraph examinations by federal, state or local governments.

Anita Hill volunteered to take the test; it is nonsense suggest that federal law undercuts the results of that test in any way.

1 continually pressure me to go out with him, continually, and
2 he would not accept my explanation as being valid.

3 Senator Specter. So that when you said you took it to
4 mean, "We ought to have sex," that that was an inference that
5 you drew?

6 Ms. Hill. Yes, yes.

7 Senator Specter. Professor Hill, the USA Today reported
8 on October 9th, "Anita Hill was told by Senate staffers her
9 signed affidavit alleging sexual harassment by Clarence
10 Thomas would be the instrument that 'quietly and behind the
11 scenes' would force him to withdraw his name." Was USA Today
12 correct on that, attributing it to a man named Mr. Keith
13 Henderson, a 10-year friend of Hill and former Senate
14 Judiciary Committee staffer?

15 Ms. Hill. I do not recall. I guess--did I say that? I
16 don't understand who said what in that quotation.

17 Senator Specter. Well, let me go on. He said, "Keith
18 Henderson, a 10-year friend of Hill and former Senate
19 Judiciary Committee staffer, says Hill was advised by Senate
20 staffers that her charge would be kept secret and her name
21 kept from public scrutiny."

22 "They would," apparently referring again to Mr.
23 Henderson's statement, "they would approach Judge Thomas with
24 the information and he would withdraw and not turn this into
25 a big story, Henderson says."

1 Did anybody ever tell you that, by providing the
2 statement, that there would be a move to request Judge Thomas
3 to withdraw his nomination?

4 Ms. Hill. I don't recall any story about pressing,
5 using this to press anyone.

6 Senator Specter. Well, do you recall anything at all
7 about anything related to that?

8 Ms. Hill. I think that I was told that my statement
9 would be shown to Judge Thomas, and I agreed to that.

10 Senator Specter. But was there any suggestion, however
11 slight, that the statement with these serious charges would
12 result in a withdrawal so that it wouldn't have to be
13 necessary for your identity to be known or for you to come
14 forward under circumstances like these?

15 Ms. Hill. There was--no, not that I recall. I don't
16 recall anything being said about him being pressed to resign.

17 Senator Specter. Well, this would only have happened in
18 the course of the past month or so, because all this started
19 just in early September.

20 Ms. Hill. I understand.

21 Senator Specter. So that when you say you don't recall,
22 I would ask you to search your memory on this point, and
23 perhaps we might begin--and this is an important subject--
24 about the initiation of this entire matter with respect to
25 the Senate staffers who talked to you. But that is going to

1 be too long for the few minutes that I have left, so I would
2 just ask you once again, and you say you don't recollect,
3 whether there was anything at all said to you by anyone that,
4 as USA Today reports, that just by having the allegations of
5 sexual harassment by Clarence Thomas, that it would be the
6 instrument that "quietly and behind the scenes" would force
7 him to withdraw his name. Anything related to that in any
8 way whatsoever?

9 Ms. Hill. The only thing that I can think of, and if
10 you will check, there were a lot of phone conversations. We
11 were discussing this matter very carefully, and at some point
12 there might have been a conversation about what might happen.

13 Senator Specter. Might have been?

14 Ms. Hill. There might have been, but that wasn't--I
15 don't remember this specific kind of comment about "quietly
16 and behind the scenes" pressing him to withdraw.

17 Senator Specter. Well, aside from "quietly and behind
18 the scenes" pressing him to withdraw, any suggestion that
19 just the charges themselves, in writing, would result in
20 Judge Thomas withdrawing, going away?

21 Ms. Hill. No, no. I don't recall that at all, no.

22 Senator Specter. Well, you started to say that there
23 might have been some conversation, and it seemed to me--

24 Ms. Hill. There might have been some conversation about
25 what could possibly occur.

1 Senator Specter. Well, tell me about that conversation.

2 Ms. Hill. Well, I can't really tell you any more than
3 what I have said. I discussed what the alternatives were,
4 what might happen with this affidavit that I submitted. We
5 talked about the possibility of the Senate committee coming
6 back for more information. We talked about the possibility
7 of the FBI, asking, going to the FBI and getting more
8 information; some questions from individual Senators. I
9 just, the statement that you are referring to, I really can't
10 verify.

11 Senator Specter. Well, when you talk about the Senate
12 coming back for more information or the FBI coming back for
13 more information or Senators coming back for more information,
14 that has nothing to do at all with Judge Thomas withdrawing,
15 so that when you testified a few moments ago that there might
16 possibly have been a conversation, in response to my question
17 about a possible withdrawal, I would press you on that,
18 Professor Hill, in this context: You have testified with
19 some specificity about what happened 10 years ago. I would
20 ask you to press your recollection as to what happened within
21 the last month.

22 Ms. Hill. And I have done that, Senator, and I don't
23 recall that comment. I do recall that there might have been
24 some suggestion that if the FBI did the investigation, that
25 the Senate might get involved, that there may be--that a

④ } 1 number of things might occur, but I really, I have to be
2 honest with you, I cannot verify the statement that you are
3 asking me to verify. There is not really more that I can
4 tell you on that.

5 Senator Specter. Well, when you say a number of things
6 might occur, what sort of things?

7 Ms. Hill. May I just add this one thing?

8 Senator Specter. Sure.

9 Ms. Hill. The nature of that kind of conversation that
10 you are talking about is very different from the nature of
11 the conversation that I recall. The conversations that I
12 recall were much more vivid. They were more explicit. The
13 conversations that I have had with the staff over the last
14 few days in particular have become much more blurry, but
15 these are vivid events that I recall from even eight years
16 ago when they happened, and they are going to stand out much
17 more in my mind than a telephone conversation. They were
18 one-on-one, personal conversations, as a matter of fact, and
19 that adds to why they are much more easily recalled. I am
20 sure that there are some comments that I do not recall the
21 exact nature of from that period, as well, but these that are
22 here are the ones that I do recall.

23 Senator Specter. Well, Professor Hill, I can understand
24 why you say that these comments, alleged comments, would
25 stand out in your mind, and we have gone over those. I don't

1 want to go over them again. But when you talk about the
2 withdrawal of a Supreme Court nominee, you are talking about
3 something that is very, very vivid, stark, and you are
4 talking about something that occurred within the past four or
5 five weeks, and my question goes to a very dramatic and
6 important event. If a mere allegation would pressure a
7 nominee to withdraw from the Supreme Court, I would suggest
8 to you that that is not something that wouldn't stick in a
9 mind for four or five weeks, if it happened.

10 Ms. Hill. Well, Senator, I would suggest to you that
11 for me these are more than mere allegations, so that if that
12 comment were made--these are the truth to me, these comments
13 are the truth to me--and if it were made, then I may not
14 respond to it in the same way that you do.

15 Senator Specter. Well, I am not questioning your
16 statement when I use the word "allegation" to refer to 10
17 years ago. I just don't want to talk about it as a fact
18 because so far that is something we have to decide, so I am
19 not stressing that aspect of the question. I do with respect
20 to the time period, but the point that I would come back to
21 for just one more minute would be--well, let me ask it to you
22 this way.

23 Ms. Hill. Okay.

(5) 24 Senator Specter. Would you not consider it a matter of
25 real importance if someone said to you, "Professor, you won't

1 have to go public. Your name won't have to be disclosed.
2 You won't have to do anything. Just sign the affidavit and
3 this," as the USA Today report, would be the instrument that
4 "quietly and behind the scenes" would force him to withdraw
5 his name. Now I am not asking you whether it happened. I am
6 asking you now only, if it did happen, whether that would be
7 the kind of a statement to you which would be important and
8 impressed upon you, that you would remember in the course of
9 four or five weeks.

10 Ms. Hill. I don't recall a specific statement, and I
11 cannot say whether that comment would have stuck in my mind.
12 I really cannot say that.

13 Senator Specter. The sequence with the staffers is very
14 involved, so I am going to move to another subject now, but I
15 want to come back to this. Over the luncheon break, I would
16 ask you to think about it further, if there is any way you
17 can shed any further light on that question, because I think
18 it is an important one.

19 Ms. Hill. Okay. Thank you.

20 Senator Specter. Professor Hill, the next subject I
21 want to take up with you involves the kind of strong language
22 which you say Judge Thomas used in a very unique setting,
23 where there you have the Chairman of the EEOC, the Nation's
24 chief law enforcement officer on sexual harassment, and here
25 you have a lawyer who is an expert in this field, later goes

1 on to teach civil rights and has a dedication to making sure
2 that women are not discriminated against. And if you take
3 the single issue of discrimination against women, the
4 Chairman of the EEOC has a more important role on that
5 question even than a Supreme Court justice--a Supreme Court
6 justice is a more important position overall, but if you
7 focus just on sexual harassment.

8 The testimony that you described here today depicts a
9 circumstance where the Chairman of the EEOC is blatant, as
10 you describe it, and my question is: Understanding the fact
11 that you are 25 and that you are shortly out of law school
12 and the pressures that exist in this world--and I know about
13 it to a fair extent, I used to be a district attorney and I
14 know about sexual harassment and discrimination against women
15 and I think I have some sensitivity on it--but even
16 considering all of that, given your own expert standing and
17 the fact that here you have the chief law enforcement officer
18 of the country on this subject and the whole purpose of the
19 civil right law is being perverted right in the office of the
20 Chairman with one of his own female subordinates, what went
21 through your mind, if anything, on whether you ought to come
22 forward at that stage, because if you had, you would have
23 stopped this man from being head of the EEOC perhaps for
24 another decade? What went on through your mind? I know you
25 decided not to make a complaint, but did you give that any

1 consideration, and, if so, how could you allow this kind of
2 reprehensible conduct to go on right in the headquarters,
3 without doing something about it?

4 Ms. Hill. Well, it was a very trying and difficult
5 decision for me not to say anything further. I can only say
6 that when I made the decision to just withdraw from the
7 situation and not press as claim or charge against him, that
8 I may have shirked a duty, a responsibility that I had, and
9 to that extent I confess that I am very sorry that I did not
10 do something or say something, but at the time that was my
11 best judgment. Maybe it was as poor judgment, but it wasn't
12 a dishonest and it wasn't a completely unreasonable choice
13 that I made, given the circumstances.

14 Senator Specter. My right light is on. Thank you very
15 much, Professor Hill.

16 Thank you, Mr. Chairman.

17 The Chairman. Thank you, Senator.

18 Thank you, Professor Hill.

19 We will adjourn until 2:15. We will reconvene at 2:15.

20 [Whereupon, at 1:10 p.m., the committee was recessed, to
21 reconvene at 2:15 p.m., the same day.]

1 Mr. Chairman, that is all I have.

2 The Chairman. Thank you.

3 Senator Thurmond. Senator Specter, do you want to
4 proceed?

5 Senator Specter. Yes, thank you, Mr. Chairman.

6 When my time expired we were up to the contact you had
7 with Mr. Brudney on September 9th. If you could proceed from
8 there to recount who called you and what those conversations
9 consisted of as it led to your coming forward to the
10 committee?

11 Ms. Hill. Well, we discussed a number of different
12 issues. We discussed one, what he knew about the law on
13 sexual harassment. We discussed what he knew about the
14 process for bringing information forward to the committee.
15 And in the course of our conversations Mr. Brudney asked me
16 what were specifics about what it was that I had experienced.

17 In addition, we talked about the process for going
18 forward. What might happen if I did bring information to the
19 committee. That included that an investigation might take
20 place, that I might be questioned by the committee in closed
21 session. It even included something to the effect that the
22 information might be presented to the candidate or to the
23 White House. There was some indication that the candidate
24 or, excuse me, the nominee might not wish to continue the
25 process.

1 Senator Specter. Mr. Brudney said to you that the
2 nominee, Judge Thomas, might not wish to continue the process
3 if you came forward with a statement on the factors which you
4 have testified about?

5 Ms. Hill. Well, I am not sure that that is exactly what
6 he said. I think what he said was, depending on an
7 investigation, a Senate, whether the Senate went into closed
8 session and so forth, it might be that he might not wish to
9 continue the process.

10 Senator Specter. So Mr. Brudney did tell you that Judge
11 Thomas might not wish to continue to go forward with his
12 nomination, if you came forward?

13 Ms. Hill. Yes.

14 Senator Specter. Isn't that somewhat different from
15 your testimony this morning?

16 Ms. Hill. My testimony this morning involved my
17 response to this USA newspaper report and the newspaper
18 report suggested that by making the allegations that that
19 would be enough that the candidate would quietly and somehow
20 withdraw from the process. So, no, I do not believe that it
21 is at variance. We talked about a number of different
22 options. But it was never suggested that just by alleging
23 incidents that that might, that that would cause the nominee
24 to withdraw.

25 Senator Specter. Well, what more could you do than make

1 allegations as to what you said occurred?

2 Ms. Hill. I could not do any more but this body could.

3 Senator Specter. Well, but I am now looking at your
4 distinguishing what you have just testified to from what you
5 testified to this morning. And this morning I had asked you
6 about just one sentence from the USA Today news, "Anita Hill
7 was told by Senate Staffers that her signed affidavit
8 alleging sexual harassment by Clarence Thomas would be the
9 instrument that quietly and behind the scenes would force him
10 to withdraw his name."

11 And now you are testifying that Mr. Brudney said that if
12 you came forward and made representations as to what you said
13 happened between you and Judge Thomas, that Judge Thomas
14 might withdraw his nomination?

15 Ms. Hill. I guess, Senator, the difference in what you
16 are saying and what I am saying is that that quote seems to
17 indicate that there would be no intermediate steps in the
18 process. What we were talking about was process. What could
19 happen along the way. What were the possibilities? Would
20 there be a full hearing? Would there be questioning from the
21 FBI? Would there be questioning by some individual members
22 of the Senate?

23 We were not talking about or even speculating that
24 simply alleging this would cause someone to withdraw.

25 Senator Specter. Well, if your answer now turns on

1 process, all I can say is that it would have been much
2 shorter had you said, at the outset, that Mr. Brudney told
3 you that if you came forward Judge Thomas might withdraw.
4 That is the essence as to what occurred.

5 Ms. Hill. No, it is not. I think we differ on our
6 interpretation of what I said.

7 Senator Specter. Well, what am I missing here?

8 Senator Kennedy. Mr. Chairman, can we let the witness
9 speak in her own words, rather than having words put in her
10 mouth?

11 Senator Specter. Mr. Chairman, I object to that. I
12 object to that vociferously. I am asking questions here. If
13 Senator Kennedy has anything to say let him participate in
14 this hearing.

15 The Chairman. Now, let everybody calm down. Professor
16 Hill, give your interpretation to what was asked by Senator
17 Specter. And then he can ask you further questions.

18 Ms. Hill. My interpretation--

19 Senator Thurmond. Speak into the microphone, so we can
20 hear you.

21 Ms. Hill. I understood Mr. Specter's question to be
22 what kinds of conversation did I have regarding this
23 information. I was attempting, in talking to the staff, to
24 understand how the information would be used, what I would
25 have to do, what might be the outcome of such a use. We

1 talked about a number of possibilities, but there was never
2 any indication that, by simply making these allegations, the
3 nominee would withdraw from the process. No one ever said
4 that and I did not say that anyone ever said that.

5 We talked about the form that the statement would come
6 in, we talked about the process that might be undertaken
7 post-statement, and we talked about the possibilities of
8 outcomes, and included in that possibility of outcome was that
9 the committee could decide to review the point and that the
10 nomination, the vote could continue, as it did.

11 Senator Specter. So that, at some point in the process,
12 Judge Thomas might withdraw?

13 Ms. Hill. Again, I would have to respectfully say that
14 is not what I said. That was one of the possibilities, but
15 it would not come from a simple, my simply making an
16 allegation.

17 Senator Specter. Professor Hill, is that what you meant
18 when you said earlier, as best I could write it down, that
19 you would control it, so it would not get to this point?

20 Ms. Hill. Pardon me?

21 Senator Specter. Is that what you meant, when you
22 responded earlier to Senator Biden, that the situation would
23 be controlled "so that it would not get to this point in the
24 hearings"?

25 Ms. Hill. Of the public hearing. In entering into

1 these conversations with the staff members, what I was trying
2 to do was control this information, yes, so that it would not
3 get to this point.

4 Senator Specter. Thank you very much.

5 The Chairman. Thank you, Senator.

6 Now, Professor Hill, with your continued indulgence,
7 what we will do is, I will yield to my colleagues,
8 alternating, and limit their questions to 5 minutes, if I
9 may, and I would begin with my friend from Massachusetts,
10 Senator Kennedy.

11 Senator Kennedy. Thank you, Mr. Chairman. I will just
12 take a moment.

13 I know this has been an extraordinary long day for you,
14 Professor Hill, and it obviously has been for Judge Thomas,
15 as well, and I know for your family. I just want to pay
16 tribute to both your courage in this whole procedure and for
17 your eloquence and for the dignity with which you have
18 conducted yourself, and, as is quite clear, from observing
19 your comments, for the anguish and pain which you have had to
20 experience today in sharing with millions of Americans. This
21 has been a service and we clearly have to make a judgment.
22 It certainly I think has been a very important service.

23 Let me just say, as far as I am concerned, I think it
24 has been enormously important to millions of Americans. I do
25 not think that this country is ever going to look at sexual

The CHAIRMAN. Now, let me canvas here for a minute, because you have been a long time sitting there.

Does anyone else have a question for this panel? Senator DeConcini, roughly how long do you wish?

Senator DECONCINI. Five minutes or less.

The CHAIRMAN. I will go down the line here.

Senator SIMON. Five minutes.

The CHAIRMAN. Five minutes.

Senator HATCH. Five minutes.

The CHAIRMAN. Five minutes, one minute.

We will give you a recess.

[Recess.]

The CHAIRMAN. I think that the last questioner was Senator Specter. Senator Specter was the last one to question, correct?

Senator THURMOND. So who is next?

The CHAIRMAN. I think it is Senator DeConcini, and then Senator Hatch.

Senator DECONCINI. Thank you, Mr. Chairman. I don't have too many questions.

Let me ask the panel, if I can, particularly Ms. Fitch and I guess Ms. Holt, it sounds like, from what you tell us today, that you were pretty good friends with Professor Hill. Is that a fair assumption?

Ms. FITCH. We were good work friends. I was a good work friend with Anita Hill, yes.

Ms. HOLT. We were professional friends.

Senator DECONCINI. Professional friends.

Ms. HOLT. And I use the word "professional" because we did not socialize on weekends or after work.

Senator DECONCINI. In the course of that friendship, did she ever mention to you a friendship she had with Susan Hoerchner?

Ms. HOLT. No, she did not.

Senator DECONCINI. She did not? Or to Ellen Wells?

Ms. HOLT. She had mentioned Ellen Wells.

Senator DECONCINI. She had mentioned Ellen Wells? Can you recall?

How about you, Ms. Fitch? Did she ever mention either one?

Ms. FITCH. I don't recall those names, Senator.

Senator DECONCINI. Ms. Holt, what about Ellen Wells? Do you remember in what context that was mentioned?

Ms. HOLT. I don't remember with any specificity, just that she knew Ellen Wells, and I recall having heard the name mentioned by Professor—

Senator DECONCINI. Did she by any chance tell you, "This is one of my best, closest friends?"

Ms. HOLT. No, she did not.

Senator DECONCINI. Would you really have remembered that, you think, if she had said that?

Ms. HOLT. Right.

Senator DECONCINI. And John Carr, was that name ever—

Ms. HOLT. I remembered her referring to a "John".

Senator DECONCINI. To a "John," and not in any context of a close friend or some relationship?

Ms. HOLT. I remember her referring to a "John" that she was dating.

Senator DECONCINI. That she was dating.

Ms. Fitch, how about you?

Ms. FITCH. Now, I don't recall that, Senator.

Senator DECONCINI. Just not to leave anybody out, Ms. Berry, did—

Ms. BERRY. I don't recall any such conversation.

Senator DECONCINI. No such conversation.

Now I guess, Ms. Alvarez, this question is more to you. You know, listening to Judge Thomas here and his high regard and respect for then Ms. Hill, now Professor Hill, you know, he doesn't have anything derogatory to say about her. He is just absolutely aghast and awash that this would happen, where your testimony is very critical of her. How do you equate that? Is that if he had a relationship with her in the professional field that was more compatible than the relationship that you had with Ms. Hill in the professional field?

Ms. ALVAREZ. Why do you say I was critical of her? I don't think I was critical by saying—let me think how I described her—

Senator DECONCINI. Let me just read it to you. It says, "She was opinionated, arrogant, and a relentless debater. She was the kind of woman who always made you feel like she was not going to be messed with, like she was not going to take anything from anyone. She was aloof. She always acted as if she was superior to everyone else, holier-than-thou." I think that is critical, but maybe—

Ms. ALVAREZ. I don't know. Some people would call me arrogant, and some people would call me opinionated and a relentless debater.

Senator DECONCINI. Nobody would call you arrogant. You are such a very nice lady.

Ms. ALVAREZ. I don't think those are necessarily negative characteristics.

Senator DECONCINI. You don't? Oh, OK.

Ms. ALVAREZ. No. In some people's mind, they would think to say a woman was tough, a woman was arrogant, that would mean that—

Senator DECONCINI. Opinionated—

Ms. ALVAREZ [continuing]. Opinionated? No, I don't think that is necessarily—

Senator DECONCINI [continuing]. Arrogant, and a relentless debater, are not critical?

Ms. ALVAREZ. If someone called me those things—

Senator DECONCINI. Even two of those are not critical in your mind? OK.

So my point is, did you hold her in high regard? Now I realize a lot has happened since then, and it is hard to look back on the nice side of somebody who—

Ms. ALVAREZ. I did not have a problem with her professionally.

Senator DECONCINI. You did not what?

Ms. ALVAREZ. I did not have a problem with her professionally. I thought that I didn't like her superior attitude. I didn't like the way she kind of projected that onto the rest of the staff.

Senator DECONCINI. Ms. Holt, you were asked a question about the Department of Education being suggested to be abolished by the Reagan administration, and you said you were aware of that?

Ms. HOLT. I had heard that, yes.

Senator DECONCINI. You had heard that. You were also aware, or were you aware that there was ever a vote or even a debate on the Senate floor or House floor?

Ms. HOLT. No, I wasn't aware of that.

Senator DECONCINI. Yes. There wasn't.

Ms. HOLT. There was a rumor.

Senator DECONCINI. It was a rumor only, wasn't it, because there has never been a vote up here on Capitol Hill, on either the floor of the Senate or the House, to abolish, and there wasn't during those years. I just want the record to show that.

Now, Ms. Fitch, when you were answering Senator Grassley's question about the problem of speaking somebody's language, and that Clarence Thomas was going upstream or talked about the uppity blacks being different or something, do you have a feeling that there is some agenda here that is moving this or motivating this?

Ms. FITCH. Senator, as a historian who has tried to look at the totality of the African-American experience in this country, my proclivity is to look at conspiracy theories, and I don't want to too closely associate that with this particular case. However, it would not surprise me that anyone, regardless of race, who hears a different drummer is at potential risk.

Senator DECONCINI. Yes, potential risk.

Ms. FITCH. And I am more comfortable thinking of it in those terms.

Senator DECONCINI. So if you were extremely conservative, perhaps the liberal side wouldn't want you there, and might be involved in such a thing?

Ms. FITCH. Well, Senator, that is a possibility, and it is also possible that conservatives might want to make it look like the—

Senator DECONCINI. Yes, on the other side, from the other side, and if you were very strong on some ideological issue—

Ms. FITCH. It is possible, Senator.

Senator DECONCINI [continuing]. Such as abortion or *Roe v. Wade*, there could be some effort by those who opposed it or who opposed the right-to-life position.

Ms. FITCH. I should probably say, though, Senator, one of the reasons I liked then Chairman Thomas was that I am not a conservative Republican. I am a New York Rockefeller Republican, so we did not always agree. I consider myself a moderate, and he knew that.

Senator DECONCINI. Thank you, thank you.

My last question is, just do you believe, each one of you, would you just state here for me, do you believe that Professor Hill was telling the truth when she testified here for some six hours. Ms. Alvarez?

Ms. ALVAREZ. No, sir.

Senator DECONCINI. Ms. Fitch.

Ms. FITCH. No, sir.

Senator DECONCINI. Ms. Holt.

Ms. HOLT. No, sir.

Senator DECONCINI. Ms. Berry.

Ms. BERRY. No, sir, absolutely not.

Senator DECONCINI. Absolutely not. Thank you very much. I have no further questions.

The CHAIRMAN. Senator Thurmond.

Senator THURMOND. Senator Hatch.

Senator HATCH. Let me just ask a few more questions, just to finish off what I had in mind.

In the Washington Post of September 9, 1991, the day before our hearings began, Anita Hill was quoted as follows, referring to a 10-year-old article in which Judge Thomas made comments relative to his sister. Now here is what Professor Hill said before she made—this statement was made before she made any public charges of harassment: "It takes a lot of detachment to publicize a person's experience in that way."

She was also quoted as observing that Judge Thomas exhibited "a certain kind of self-centeredness, not to recognize some of the programs that benefited you." And she also was quoted as saying, "I think he doesn't understand people. He doesn't relate to people who don't make it on their own."

Now I would like to ask all of you, and we could start from you, Ms. Alvarez, across, did Anita Hill ever mention to any of you, at the time that you knew her, that she believed Clarence Thomas to be "detached" and that she thought he was "self-centered," that she believed that he failed to recognize the programs that benefited minorities and, most importantly, that she thought he did not "relate to people" and "didn't understand people"? Did you ever hear any comments like these from her? Ms. Alvarez.

Ms. ALVAREZ. No, sir, I never did. I heard nothing but positive things about him, and everything he did in terms of helping her was an example of just the same thing.

Senator HATCH. Ms. Fitch.

Ms. FITCH. No, Senator.

Senator HATCH. Ms. Holt.

Ms. HOLT. No, Senator, and in fact her statement to the effect that he was unfriendly and couldn't relate to people could not be further from the truth. Even the members of the domestic staff talked to Chairman Thomas about their problems.

Senator HATCH. And he talked to them?

Ms. HOLT. And he talked to them.

Senator HATCH. And he treated them equally?

Ms. HOLT. He treated them equally.

Senator HATCH. Now let me just ask this last question. There has been some indication that part of the problem here was that she was ambitious and desired a promotion in the department, and if I have it correctly, Allyson Duncan was promoted above her. Am I correct? She got the job? Ms. Holt, go ahead.

Ms. HOLT. It wasn't actually a promotion. It was more recognizing Allyson as the chief of staff, as having supervisory responsibility in terms of assignments.

Senator HATCH. But is it true that Anita Hill wanted that position or that recognition, to use your term?

Ms. HOLT. She never indicated directly to me that she wanted it, no.

Senator HATCH. How about the rest of you? Ms. Alvarez.

Ms. ALVAREZ. It was common knowledge. I can't recall exactly who said what, but there were several times that people made reference to that.

Senator HATCH. Ms. Fitch.

Ms. FITCH. Senator, again, my experience is different because I was away, so any office-type politics I might not be aware of, so I am unaware of—

Senator HATCH. But you were aware of her ambition and that she desired—

Ms. FITCH. Oh, yes, she was ambitious.

Senator HATCH. Nothing wrong with that. I am not implying anything wrong.

Ms. FITCH. But I don't know about this specific position. I can't speak to that at all.

Senator HATCH. Sure. And Ms. Berry?

Ms. BERRY. She didn't indicate to me specifically, but I heard from other members from the Commission, throughout the Commission, that, yes, she desired that position.

Senator HATCH. That is all I have, Mr. Chairman.

The CHAIRMAN. Can you tell us for the record, Ms. Myers, who you heard it from, what other members, by name, you heard it from?

Ms. BERRY. I could, but I won't. They haven't volunteered to come forward.

The CHAIRMAN. Senator Leahy.

Senator LEAHY. Ms. Holt, I was just confused by one thing. You may have already said this, but when did you leave the EEOC?

Ms. HOLT. I am still at the EEOC.

Senator LEAHY. When did you leave the employ of Clarence Thomas? I'm sorry.

Ms. HOLT. In September of 1987.

Senator LEAHY. In September of 1987, and the last call from Anita Hill, according to your log, was August of 1987. Is that correct?

Ms. HOLT. Correct.

Senator LEAHY. And then after that, you were no longer there, keeping the log. About a month later, you were no longer keeping the log. Is that correct?

Ms. HOLT. That is correct.

Senator LEAHY. And by the number of calls we have in here, she called an average of about once every 7 or 8 months, so the fact that there wasn't another call a month later, there is nothing unusual in that, is there?

Ms. HOLT. No, sir.

Senator LEAHY. But there seemed to be some inference by some here that she made that call and then suddenly cut off because she had been told that Judge Thomas was on his honeymoon or something. The fact is, a month later you were gone, and she didn't call that often anyway. We have six or seven calls logged in here, a handful of calls over several years. It averages about one and a half or so a year. I just didn't want the wrong inference to be left here.

Ms. Alvarez, you opined that possibly Anita Hill could have been doing this so she could make a movie. Let me tell you, after spend-

ing 30, 40 hours, whatever it is we have been here, I can't imagine anybody would want to spend 30 or 40 minutes in this movie, and I don't really see that as a motivation.

But you did say one thing, and you were very emphatic on this answer, and I want to make sure I understood you right. You said that Judge Thomas never talked about sex matters at work. You were very emphatic about that. Is that right?

Ms. ALVAREZ. That is right.

Senator LEAHY. Including pornography or anything else?

Ms. ALVAREZ. Right.

Senator LEAHY. What about outside of work?

Ms. ALVAREZ. Clarence and I were friends. We had been friends for many, many years, personal friends. Our kids went to the same school together. I knew his wife. We were going through a divorce at the same time and everything else. We had the kind of confidences, personal conversations, that friends have, that close friends have, and any more than that really is not relevant. I mean, at the office we were colleagues and the friendship part of it never—

Senator LEAHY. Did you talk about pornography outside the office?

Ms. ALVAREZ. No, sir, we never did.

Senator LEAHY. Well, I am not sure I understand your answer. I am not really trying to trick you or anything here, but you said you didn't talk about pornography, didn't talk about sex matters at work. I asked you about outside of work, and—

Ms. ALVAREZ. And I am trying to explain to you that Clarence and I knew each other very well, and that we had a personal friendship.

Senator LEAHY. You didn't date?

Ms. ALVAREZ. No, sir.

Senator LEAHY. Do you want to add to that? I am not sure I understand. Do you know of him talking to anybody outside of work?

Ms. ALVAREZ. I am sorry. Say this again.

Senator LEAHY. Other than yourself, do you know of Clarence Thomas talking to people outside of work about either sex or pornography? Outside of yourself?

Ms. ALVAREZ. No, sir. I just know that with me we, we had a friendship and that was it. I mean, we shared conversations that close friends share when you are going through divorce, when you are going through raising kids, all those sorts of things. The typical things that close friends talk about.

Senator LEAHY. Thank you. OK. I just wanted to clear that up. And, Ms. Holt, you have certainly cleared up a question that was left hanging out here and I appreciate that.

Thank you, Mr. Chairman.

Senator KENNEDY. [presiding.] Senator Thurmond.

Senator THURMOND. I have one question I would like to ask Dr. Fitch.

Dr. Fitch, I believe you said that you visited Professor Hill in the hospital.

Ms. FITCH. Yes, I did.

Senator THURMOND. Do you know roughly when that was and why Professor Hill was there?

Ms. FITCH. Senator, I know, I believe it was in 1983. I believe it was in summer, sometime between spring and summer. I don't, I can't give you an exact date. I did go to see her. I think she was in the hospital for a week and I do not recall that the nature—I don't recall what she was suffering from. It rang a bell that it might have had something to do with a stomach ailment, but I don't remember what the diagnosis was. I don't know that I ever knew.

Senator THURMOND. What hospital was she in?

Ms. FITCH. I believe, Senator, it was Capitol Hill Hospital. It is a hospital on the Hill and I think that is the name of it.

Senator THURMOND. Thank you. Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

Ms. Holt, occasionally, at least in our office, when people call in they will sometimes be given a home phone number. Occasionally, when we call back to other people we will have on file their home phone number as well as their office number.

I recognize it has been some time, but do you have any recollection as to whether or not Professor Hill had Clarence Thomas's home phone number or whether or not he had her home phone number?

Ms. HOLT. I have no way of knowing that. I can only say that I did not give Professor Hill Clarence Thomas's home phone number.

Senator BROWN. And you never referred her to his—to call him at home?

Ms. HOLT. I did not.

Senator BROWN. And you never got a feel for whether they chatted outside of office hours?

Ms. HOLT. No.

Senator BROWN. Thank you. A question to all of you. It may not be anything that we can add here, but I suspect most members are like I. You find the current divergence, or dramatic divergence in their testimony somewhat hard to explain.

In thinking about Clarence Thomas, was he the kind of person who would be different in the way he treated people, react to people, talk to people in private than he would be, let's say, when other people were present? Is there a significant difference in the way he behaved or talked or acted when you would be in an office setting along with him versus where others could see or hear?

Ms. HOLT. He always treated me with respect. He was a professional, and I had no problems whether there were 20 people around or whether we were alone.

Senator BROWN. No significant difference in the way—

Ms. HOLT. No difference at all.

Senator BROWN. What about the rest of you? Any observations in that area?

Ms. FITCH. I agree with what Ms. Holt just said. There was no difference.

Ms. BERRY. I agree.

Ms. ALVAREZ. I agree to a point. Because Clarence and I were friends outside of the office. I probably saw, I mean I would call him Clarence, you know. We talked about the kids and personal things that friends talk about that he would not have shared with people at the office.

Senator BROWN. I was trying to go through and outline some of the traits that we have come to learn about him. I think all of us have come to learn about him. We have really listened to him for 7 days. I don't know how close a friendship it has engendered, but I think this committee has come to know him pretty well as well.

But at least as I go through it, I find things like he is a serious person, and here is someone who after they were separated from their wife, a bachelor, in effect, again, sells his only car to pay for his son's tuition to school, and that is an unusually serious—I don't know many bachelors who sell their only means of transportation for their son's tuition. A very unusually serious person.

From the depositions I have read, this is someone who didn't tell dirty stories either in public or private, or even on camping trips. That he appears formal, intense, extremely hardworking, strict, and demanding are a couple of terms I have heard applied both to others around him and himself. I don't suppose there is anybody on this committee that doesn't think that what they need to do is work out every noon instead of eat or at least—I should speak for myself. I feel that need. And yet not many do it, or at least I don't.

I mean this is an extremely disciplined serious individual. Is that a proper impression? Are there other descriptions you could give me of Clarence Thomas?

Ms. FITCH. That is my description of him and one of the things that impressed me the most about him. And I think that those combinations of terms is what I meant when I thought of the word "decent" to apply to him in all ways.

Ms. BERRY. But he is also generous, and supportive, and willing to promote people who work for him, kind. He is a good human being. Intelligent.

Senator BROWN. The remarks he is alleged to have made and the conduct he is supposed to have done; that is, to ask someone out repeatedly and to pressure them to go out with you is an aggressive, is an aggressive personal act when someone says no to pressure them again. And it is almost confrontational in a personal way. To say those kinds of remarks is a very confrontational, hostile thing to do.

Were those traits present in Clarence Thomas?

Ms. FITCH. No, Senator.

Ms. HOLT. No, Senator.

Ms. ALVAREZ. Not at all.

Ms. BERRY. In fact, the Clarence Thomas that I first met was really kind of—I know it is going to be hard for you all to believe this, but he was really kind of socially shy. It took me maybe 6 months to get the man out of his office and to circulate among the employees, and at the Commission, you know, to greet them in the hall and to have lunch in their cafeteria, those sorts of things, because he is a relatively disciplined, serious individual. And the kinds of public relations things that I felt he needed to do, such as give public speeches and to greet the employees, and all of those kinds of things, it was like pulling hen's teeth to get the man to do that.

And then after he started doing that and saw the public reception to the real Clarence Thomas, that he was funny and smart

and an articulate speaker, then it was hard for me to get him back in the office. But.

Senator BROWN. Help me with one last question, if you would. If someone said to you to be personally very aggressive, as someone would be if they pushed someone to go out with them that wouldn't take no for an answer and said very, very gross things to them, someone said that was totally out of character, would that be an accurate statement? Would it be a gray area? How would you compare the contact that is described to Clarence Thomas?

Ms. HOLT. Uncharacteristic, in a word.

Ms. BERRY. Not Clarence Thomas at all.

Ms. ALVAREZ. There is no way he is the man she alleges.

Senator BROWN. Well, thank you.

Senator KENNEDY. Thank you very much. Just before yielding to Senator Simon, I just want to make a comment about the panel. They are very strong supporters of Clarence Thomas. Understandable. They owe Clarence their jobs and they have great respect for him, and they are certainly qualified to speak on that.

But what they are not qualified is to psychoanalyze Professor Hill. And we have heard many reasons during the course of these hearings about concocted stories, about being pressured by various groups, and tonight we are hearing about schizophrenia, we are hearing about delusions, we are hearing about mental disturbances, and one has to just ask oneself how far will the proponents for this nomination go in trying to attack Professor Hill?

Senator Simon.

Senator SIMPSON. Mr. Chairman, did I hear you say "How far will the opponents go"? Was that what I heard?

Senator KENNEDY. Yes. That is right.

Senator SIMPSON. I think I am about to faint.

Senator KENNEDY. That is fine. You can do it on Paul Simon's time.

Senator SIMPSON. It will take a bigger room. I think I am about to go down.

Senator SIMON. Mr. Chairman, first I want to thank the witnesses, and particularly Ms. Alvarez, who has been here twice in a very short period of time. And good to welcome Dr. Fitch, who is a former faculty member at Sangamon State University.

Ms. FITCH. It's nice to see you.

Senator SIMON. Ms. Holt, in your deposition—and you probably heard me read this earlier, you perhaps did—you say, on page 32, "Do you recall any other times Anita Hill called and you did not note that on the telephone log?" And your answer, "I don't." You repeat that later in this same log.

Ms. HOLT. And I will state—

Senator SIMON. Here this evening, you have added—and I know that sometimes people can refresh your memory, as you go on—you have said there were five or six times additionally where she called.

Ms. HOLT. I said maybe five or six times. Like I think I mentioned before, when I responded to that question, I meant that I could not relate dates, times or years of when those calls came in.

Senator SIMON. Well, that's not the question. If I can go over to page 44, also, "Do you have a recollection of Ms. Anita Hill calling

Clarence Thomas any more times?" It doesn't say when, it says "any more times than may have sporadically shown up on these three pages?"

Did anyone consult with you or advise you?

Ms. HOLT. Absolutely not.

Senator SIMON. So, between the time of your deposition and right now, the additional five or six times, you didn't talk to anybody about that?

Ms. HOLT. You continue to say five or six times. It could have been two times, it could have been three times. You can't hold me to the five or six times. I'm not sure of that. I know for a fact that she called on instances when she was put directly through to Clarence Thomas.

Senator SIMON. But earlier this evening, Senator Specter said, when I read the deposition, said Ms. Holt will testify that she called an additional five or six times. Do you know where he got that information?

Ms. HOLT. I have no idea.

Senator SPECTER. Mr. Chairman, I did not say five or six times. I said I was told that she would testify that there were calls made which were not on the logs, because the calls were received, but I did not say five or six times.

Senator SIMON. Well, my recollection is you did say that, but we will let the record show, we will print the record and we will find out. Senator Specter at least admits that he said that you were going to testify about—

Senator SPECTER. No, I don't admit anything, Mr. Chairman. I state a fact. I don't make admissions here.

Senator SIMON. Well, he said—

Senator SPECTER. Thank you.

Senator SIMON [continuing]. That you were going to testify to additional calls beyond the deposition.

Ms. HOLT. I did not tell him that.

Senator SIMON. You don't know where Senator Specter got that information?

Ms. HOLT. I have no idea.

Senator SIMON. I have no further questions, Mr. Chairman.

The CHAIRMAN [presiding]. Senator Thurmond.

Senator KENNEDY. I think our time is up on this.

Senator THURMOND. I just have a question I would like to propound.

All of you ladies have a close relationship with Judge Thomas. Did you consider him to be a clean, decent, thoughtful, caring man, who treated his women and co-workers, as well as women in general, with courtesy and respect? I would like for each one of you to answer that.

Ms. ALVAREZ. Yes, sir, absolutely.

Senator THURMOND. Dr. Fitch.

Ms. FITCH. Most definitely, Senator.

Senator THURMOND. Ms. Holt.

Ms. HOLT. Absolutely.

Senator THURMOND. Ms. Myers.

Ms. BERRY. Absolutely.

Senator THURMOND. All of you answered yes, is that correct?

Ms. ALVAREZ. Yes.

Ms. FITCH. Yes.

Ms. HOLT. Yes.

Senator THURMOND. Thank you.

Is there anybody else on this side who has any questions?

Senator SIMPSON. Mr. Chairman, I just have—I understand what Senator Kennedy is saying, but the word “schizophrenic” did not appear from anyone on this side of the aisle. The word “delusion” did not appear from anyone on this side of the aisle. That was in the testimony or the statement of the U.S. attorney who said that was an impossible thing, to use a lie detector. Those names, those hot buttons, those phrases did not come from us, and it is curious to me how anyone could say that, when Judge Thomas was asked questions about what Professor Hill’s motivation was, that all of that entered the record, and that is all we are doing here.

So, I think just for the purposes of the record—and when you get to thinking about it, and all of us, as lawyers, have you ever seen a hearing in your life like this, where the opponents of the nominee and, in particular, a single witness, almost on a par in status with the nominee, is all out of balance—and that’s fine, I have no problem with that, but let us all realize what is happening here. This is about Clarence Thomas, nominee to the U.S. Supreme Court, not Anita Hill, and it seems to have tilted off in that extraordinary way.

One of the things that is in the public domain—and we have a rule, we have to see it for 2 days—I want to enter into the record this letter from Andrew S. Fishel, Managing Director of the Federal Communications Commission, where he said that he had listened to Ms. Hill testify, and he said, “At no time were any of the employes of OCR at risk of losing their jobs during this period”—this is the Office of Civil Rights at the Department of Education. They had a separate budget earmarked which was more sufficient to avoid any staff cutbacks. He was involved in the office, I understand.

“Additionally, no employees were made to feel that their jobs were in jeopardy”—I keep hearing this come up all the time. Quite the opposite was true, he said:

After Mr. Thomas announced his departure from OCR to go to EEOC, Mr. Thomas made a special point of walking the halls of OCR to introduce Mr. Harry Singleton, his successor, to OCR staff in order to facilitate the continuity of leadership. Any explanation of Ms. Hill’s rationale for leaving OCR to go to EEOC that is founded on her allegation that she would have lost her job at OCR is without basis.

I include that in the record, and I thank you, Mr. Chairman.

[The letter referred to follows:]

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 10 1991

OFFICE OF
MANAGING DIRECTOR

Honorable Joseph R. Biden, Jr.
United States Senate
221 Russell Senate Office Bldg.
Washington, D.C. 20510-0802

Dear Senator Biden:

I have been the Managing Director of the Federal Communications Commission for the past two years. I had been Management Director of the Office for Civil Rights in the Department of Education with direct responsibility for personnel and EEO during the time Mr. Clarence Thomas was Assistant Secretary. I was also Financial and Resource Management Director of EEOC while Mr. Thomas was Chairman. In these capacities, I also knew and worked with Ms. Anita Hill.

I differ with Ms. Hill's statement that she followed Mr. Thomas to EEOC because she would have lost her job at OCR. At no time were any of the employees of OCR at risk of losing their jobs during this period. OCR had a separate budget earmark which was more than sufficient to avoid any staff outbacks. Additionally, no employees were made to feel that their jobs were in jeopardy by Mr. Thomas' departure from OCR. Quite the opposite was true: after Mr. Thomas announced his departure from OCR to go to EEOC, Mr. Thomas made a special point of walking the halls of OCR to introduce Mr. Harry Singleton, his successor, to OCR staff in order to facilitate the continuity of leadership.

My explanation of Ms. Hill's rationale for leaving OCR to go to EEOC that is founded on her allegation that she would have lost her job at OCR is without basis. Indeed, Ms. Hill told me at the time that she was flattered to be selected by Mr. Thomas to work at EEOC. In our conversation, she also expressed her admiration for Mr. Thomas.

After I moved to EEOC to be Financial and Resource Management Director, Ms. Hill again praised Mr. Thomas to me. In several conversations that were held, she expressed both her respect for him as a man and as a leader of the EEOC.

In fact, Ms. Hill and I also talked after she announced her own departure from EEOC to become a law professor. She told me that she was indebted to Clarence Thomas for the opportunities he had given her and that he had always been supportive and encouraging of her career goals.

I would also like to express that as a career civil servant in the Senior Executive Service, I can state unequivocally that Mr. Thomas repeatedly, consistently and forcefully impressed upon his senior staff our own responsibilities to act in a professional manner in which would bring credit

Honorable Joseph R. Biden, Jr.

2.

and respect to the offices we held. In particular, he was vocally adamant that the presence of any form of discrimination--and he specifically mentioned sexual harassment--would not be tolerated. At no time during the nearly nine years I worked in organizations headed by him was there ever so much as a "hallway rumor" regarding his own conduct. He was widely viewed as the epitome of a moral and upright man by the staff he supervised.

I would like to add a personal note. I hold a doctorate from Columbia University and have authored articles and two books on sex equity issues, which I believe help to make me sensitive to the issues of sex discrimination and sexual harassment. I am also the husband of a professional woman who found she had no option but to formally charge her Ph.D. advisor of sexual harassment nearly two decades ago. I believe I am as sensitive to the issue of sexual harassment as any man can be. And I will tell you that nothing in Mr. Clarence Thomas's professional or personal demeanor, and nothing in any of my conversations with Ms. Anita Hill, have ever lead me to believe that Mr. Thomas could act in any of the ways in which Ms. Hill has charged.

If I can provide any additional information in regard to Mr. Thomas's performance or conduct at either OCR or EEOC, please let me know.

Sincerely yours,

AS

Andrew S. Fishel
Managing Director

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Senator METZENBAUM. Mr. Chairman.

The CHAIRMAN. Senator Metzenbaum.

Senator METZENBAUM. Ladies, it has been a long evening, but before you go out of here, there were some other witnesses and one of those witnesses pointed out a letter that at that point had been signed by 50 Yale graduates who had graduated with Anita Hill and the number is now up to 66. And there is such an inconsistency between—and it is so difficult to reconcile what you are saying and what they said.

I would like to share with you their letter.

Dear Mr. Chairman, Senator Biden. It has been our privilege to know Anita Hill professionally and personally since the late 1970's when we were in law school together. The Anita Hill we have known is a person of great integrity and decency. As colleagues we wish to affirm publicly our admiration and respect for her. She is embroiled now in a most serious and difficult controversy which we know is causing her great pain.

We make no attempt to analyze the issues involved, or to prejudge the outcome. We do, however, wish to state emphatically our complete confidence in her sincerity and good faith and our absolute belief in her decency and integrity.

In our eyes it is impossible to imagine any circumstances in which her character could be called into question. We are dismayed that it has been. We know that it could not be by anyone who knows her. Anita has imperiled her career and her peace of mind to do what she felt was right.

We know we are powerless to shield her from those who will seek to hurt her out of ignorance, frustration, or expediency in the days ahead. But we will have failed ourselves if we do not at least raise our voices in her behalf. She has our unhesitating, non-wavering support.

Now, the amazing thing about this letter is not only the strength of the support for this lady but the fact that it came from all over the world. There were 66 names on it. One of the names is signed by somebody in Paris, France. One of them is signed by somebody in London, Ontario. One of the names is signed by somebody in Sao Paulo, Brazil. One of the names is signed by somebody in Perugia, Italy, and from New York, and California, and Arizona, and San Francisco, and all over the country.

How do you reconcile the fact that these 66 people, who also knew her as you knew her, although at an earlier point, but they say that "we have known her as a person of great integrity and decency and that we have known her professionally since the late 1970's when we were in law school together"? How do you reconcile the fact? How do you explain it to us, sitting on this committee, that here are 66 people, who are obviously people of good repute ostensibly—Yale Law School graduates—and here are four people who worked with her, also people of good repute and good standing saying one thing totally different than these 66 Yale graduates are saying?

Ms. FITCH. Senator, my response to that is that I am sure there are as many people and more who would say that say the same thing about Judge Thomas. That's the only response I can have to the question you are asking. I don't know what to say.

Ms. HOLT. Additionally a question comes to my mind about how long it has been since those 66 people have seen Professor Hill or have had any kind of—

Senator METZENBAUM. I am sorry, I didn't hear that.

Ms. HOLT. How long it has been since those people have had any interaction with Professor Hill.

Senator METZENBAUM. No, they say specifically and I am not sure about the facts, that "we are privileged to know her professionally and personally since the late 1970's when we were in law school together."

Now, how much of that time they have seen her, I don't know. I have to assume that some of them have seen her more than others. I think 15 of the names are from people here, in Washington.

Ms. BERRY. Well, I am sure that we had at least 66 women that were ready to come before this committee to tell them that Judge Thomas is a man of great decency and integrity if we are going to play the numbers game.

Ms. ALVAREZ. You will have six times 66 and you had a group of people out there who will tell you exactly the same thing. It is just that you limited the time. We only have until Tuesday. We could go on with people who could come here and testify on Clarence's behalf and people who have worked with him and people who have known him.

Ms. BERRY. And we are not intimidated by 66 names there and there are just four of us here.

Ms. ALVAREZ. Even if they went to Yale Law School.

Ms. BERRY. Exactly. [Laughter.]

The CHAIRMAN. If everyone in the Nation, everyone who went to law school who is not intimidated by someone who went to Yale Law School were here we would not have enough room if we piled them on top of one another. I just want the record to show that Yale Law School is a fine law school. I don't think it is any finer law school than a lot of law schools I can think of.

But having said that, a mild note of levity, I think your time is up, Senator.

Senator METZENBAUM. It is in the record?

The CHAIRMAN. It is in the record. I believe it is already in the record.

[The letter follows:]

October 10, 1991

Honorable Joseph R. Biden, Jr.
 Chairman
 Committee on the Judiciary
 United States Senate
 Washington, D.C. 20510-0802

Dear Mr. Chairman:

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Anita has imperiled her career and her peace of mind to do what she felt was right. We know we are powerless to shield her from those who will seek to hurt her out of ignorance, frustration, or expediency in the days ahead. But we will have failed ourselves if we did not at least raise our voices in her behalf. She has our unhesitating and unwavering support.

Sonia Jarvis
 Washington, DC

Jean Zoeller
 Los Angeles, CA

Thomas S. Barrett
 Alexandria, VA

Mark Del Bianco
 Washington, DC

William Hassler
 Washington, DC

Julie A. Roin
 Charlottesville, VA

Saul Levmore
 Charlottesville, VA

David W. Rivkin
 New York, NY

Michael Klausner
 New York, NY

David Zornow
 New York, NY

Honorable Joseph R. Biden, Jr.
 October 10, 1991
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Samuel M. Sipe, Jr.
 Washington, DC

Ronald R. Allen, Jr.
 New York, NY

Cynthia L. Alicea
 New York, NY

Charles W. Fournier
 New York, NY

Jeffrey P. Cunard
 Washington, DC

Eric Cafritz
 Paris, France

Wandra Mitchell
 Washington, D.C.

Alan J. Bankman
 Palo Alto, CA

George J. Schutzer
 Washington, DC

Lawrence E. Starfield
 Washington, D.C.

Barbara Sih Klausner
 New York, NY

Susan M. Wolf
 London, Ontario

Thomas I. Kramer
 Portland, OR

Mark Charles
 New York, NY

Peter A. Barnes
 Weston, CT

Samuel B. Magdovitz
 Philadelphia, PA

Debra A. Valentine
 Washington, DC

Thomas P. Foley
 Harrisburg, PA

Ivy Thomas McKinney
 Stamford, CT

Victoria A. Cundiff
 New York, NY

Steven J. Roman
 Washington, DC

Kenneth T. Roth
 New York, NY

James C. Snipes
 Washington, D.C.

Frederick M. Lawrence
 Boston, MA

Boris Feldman
 Palo Alto, CA

Richard A. Kale
 Los Angeles, CA

Gregory P. Goeckner
 Los Angeles, CA

Gary Phillips
 Washington, DC

Yvonne Haywood
 Washington, DC

Judith A. Shulman
 Seattle, WA

George R. Keys, Jr.
 Washington, DC

Wendi Jones
 Los Angeles, CA

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R. Duff Jordan
Sao Paolo, Brazil

Jacqui C. Hood
Santa Ana, CA

David Bixby
Phoenix, AZ

Steven M. Gold
New York, NY

Blair Levin
Raleigh NC

Daniel N. Larson
Rancho Cucamonga, CA

Karen L. Schroeder
Phoenix, AZ

Kevin Olson
Phoenix, AZ

Paul T. Friedman
San Francisco, CA

[Faxed signature pages are in the possession of
George Schutzer]

The CHAIRMAN. Now, does anybody on—Senator Kohl?

Senator KOHL. Thank you, Mr. Chairman.

Some of you suggested possible motives for Ms. Hill to have done what she did. And I can understand that. But what I cannot understand and perhaps you can explain it to me, is what the motives would be of those four people who came here today, each one who had heard from Professor Hill over the past 10 years, about these sexual harassment charges. Reputable people, people who had not talked to her over the past 2 years, had not talked to her over the past several months, but clearly reputable people who didn't know each other, came here from all walks of life.

And they testified that in 1981, 1982, 1983, and 1987, Professor Hill told them about what was happening.

Ms. BERRY. I have already challenged Mr. Carr's statement. He said that Anita Hill told him that she was harassed by her supervisor. And he made the great leap that the supervisor that she was referring to was Clarence Thomas. And that, right there, is suspect to me when I know, for a fact, that Anita Hill had more than one supervisor.

Senator KOHL. Okay. So in your case, you are saying her comments might have been about somebody else at EEOC? Her comments might not have referred specifically to him. All right, I think that is possible.

Diane.

Ms. HOLT. Senator, I think I would question the fact that none of those people who Professor Hill told that she had been sexually harassed did not provide any advice. These were professional people. They knew what the recourse was. Nobody told her to go forward with her story.

Senator KOHL. But the assumption there is that all four of them are lying.

Ms. HOLT. That's not my assumption.

Senator KOHL. But that is what you are saying.

Ms. HOLT. No, I said I questioned that fact.

Senator KOHL. I know but let's just move on to real talk. If you question that fact, you question the veracity of what they are saying.

Ms. HOLT. I do, yes.

Senator KOHL. All right, that is another way of saying in your opinion—

Ms. HOLT. I question it, but I am not calling them liars.

Senator KOHL. Well, we are just trying to use nice words, but I want to understand. You can say that, there is nothing wrong with it, but your explanation is that they are not telling the truth?

Ms. HOLT. That's right, I don't believe it.

Senator KOHL. I appreciate that.

And Ms. Fitch.

Ms. FITCH. Senator, in discussing motivation I have said that I only understand my own. I cannot, I cannot try to discuss their motivation. I am sure they had the best intentions and wanted to be helpful to the person that they believe in. I don't know what else to say about that question. It is a question that I can't answer.

Senator KOHL. Ms. Alvarez?

Ms. ALVAREZ. No, likewise, I couldn't begin to put motivation or words into somebody's mouth or in their heads. I think that there was possibly some, like Phyllis talked about, there may have been, it may not have been who they all assumed it was. I can't really, I can't offer any more explanation than that. There may have just been a misunderstanding of what she had to say.

Senator KOHL. All right. Just one other quick question.

Clarence Thomas has spoken here of a conspiracy, a lynching on the part of some white people that has a lot to do with what is happening. In fact, in his opinion, that is the major reason why we are here today and you, yourself, Ms. Alvarez, said "That we are beating up on the Judge, and that this is a trumped up deal" and so on.

But isn't it a fact that what we are dealing with here is a charge of sexual harassment by an African-American against an African-American? Isn't that why we are here today? Isn't that the fact of what brings us here today, an African-American woman who is charging an African-American man with sexual harassment? Is there something else that brings us here today?

I mean aren't we all here and hasn't a Senate committee convened to hold this hearing, because of a charge leveled at an African-American man by an African-American woman?

Ms. BERRY. That's an old tactic in this country, Senator, that we use and I am sickened by that. That's the thing, I guess, that embarrasses me most about this situation is that a black woman would allow herself to be a pawn to destroy a black man. Have we reached the point in our civilization or in this country where people can't legitimately have points of disagreement without trying to destroy the person because you don't agree with what that person stands for?

And the Chairman said, you might kill him but you are not going to kill his ideas.

Senator KOHL. No, we are not suggesting—

Ms. BERRY. There are a lot of other people out there who believe what Clarence Thomas says and his ideas are beginning to take root in the black community.

Senator KOHL. That may well be so but what we are discussing here is a charge against an African-American man by an African-American woman. How do we wind up saying this is a racist conspiracy?

Ms. BERRY. I haven't heard him use those terms. I heard him say a lynching.

Senator KOHL. Ms. Alvarez?

Ms. ALVAREZ. You are not investigating a sexual harassment charge.

Senator KOHL. Of course we are. That's what the hearing is about.

Ms. ALVAREZ. The statute of limitations ran out.

Senator KOHL. An allegation of sexual harassment, that's what the hearing is all about.

Ms. ALVAREZ. Well, no, an allegation of improper conduct.

Senator KOHL. Again, an allegation made by an African-American woman against an African-American man.

Ms. BERRY. Lynching doesn't necessarily have to refer to race.

Senator KOHL. Well—

Ms. BERRY. I mean what is happening to Clarence Thomas is, in my estimation, a——

Senator KOHL. Ms. Alvarez, then I will be finished.

Ms. ALVAREZ. No, I guess I am not sure quite the point you are trying to make.

Senator KOHL. Well, I am trying to understand why you——

Ms. ALVAREZ. You are trying to say this isn't a lynching?

Senator KOHL [continuing]. I can't understand why you are saying and that Thomas is saying that this is a racist conspiracy against——

Ms. ALVAREZ. I did not say that.

Senator KOHL. Well, you are saying, we, meaning the committee, are beating up on the Judge.

Ms. ALVAREZ. Yes.

Senator KOHL. He is calling it a lynching and you are saying we are beating up on a Judge, but what we are doing here is trying to understand whether there is any truth in the allegation made by an African-American woman against an African-American man.

Ms. ALVAREZ. I think there is a much better way that it could have been done, not in this kind of forum——

Senator KOHL. Well, that's true.

Ms. ALVAREZ [continuing]. And not in broad daylight and not on television and——

Senator KOHL. Well, that's true, but the allegation, itself, is an allegation made by an African-American woman against an African-American man. That is just a fact.

Ms. ALVAREZ. But what does that have to do? I mean that means it is okay to beat him up? I am not sure what you are saying. I am saying when I made that statement I think there was a better way for this whole thing to have been investigated and to have been handled. I think we did both of them a disservice by handling it the way we did, because you just beat him up in broad daylight and you took his name, his reputation, and his character and you can't give it back to him. That was my point.

The CHAIRMAN. Senator, do you have more? Is that it?

Senator KOHL. Yes. Thank you.

The CHAIRMAN. Thank you.

If there are not any more questions I do have two very, very short questions. And Ms. Fitch, if I ever need an advocate you are the one I want to hire. You are all very good, but let me ask you this. I think that one of the points has confused me in this process not merely who is telling the truth because that perplexes me as much as it perplexes the American public apparently. I don't know what the American public thinks. I take that back. It perplexes me.

Now, you were asked a question by Senator Hatch a while ago, if I recall, that was an echo of an assertion that Judge Thomas made yesterday in a very articulate fashion and it was this:

That isn't this a stereotypical attack on a black man? Judge Thomas—and I am not criticizing his statement, I just want to understand it, and as a black historian maybe you can help me—he indicated that he believed this was—I won't use exactly his words, because they are not appropriate coming from my mouth—but something to the effect that if an uppity black person is being put

down by other people, that's what this is about, putting down any black person who goes against the grain.

Now, I can understand that. What I can't understand though is how can one say that and not say the counter charges against Professor Hill are not equally, if not more stereotypical, of not taking seriously a black woman?

How can one charge about stereotypical behavior apply to the Judge and not equally apply to Professor Hill. This is not who is telling the truth—I am talking about this notion of stereotypical behavior we keep hearing hurled back and forth, across in front of me and this way as well, not by you but by others.

Can you shed some light on that point for me?

Ms. FITCH. I am not sure I really understand the question.

The CHAIRMAN. Well, the statement was made that the attack on Judge Thomas, along the lines relating to harassment, were stereotypical attacks on black men, they stereotyped black men.

Ms. FITCH. OK.

The CHAIRMAN. And what I am saying is if that is true, and I am not arguing whether it is or isn't, is it not equally true to immediately question the veracity of a black woman who comes forward to make an allegation against a black man as preposterous? Doesn't that just as neatly fit into a stereotypical treatment of black women who dare speak up? That's my question.

Ms. FITCH. I think I see where you are going to with this and in terms of both black men and white men, of course, that is a problem historically.

Yes, it is a no-win-no-win.

The CHAIRMAN. That doesn't go to the veracity of anything. I am just trying to understand because I heard for the first time the other day the phrase stereotypical treatment of black men who dare run against the stream.

Ms. FITCH. Yes, but in terms of the stereotypical response to black women it comes first from their experience with white men in this country. And I—

The CHAIRMAN. I agree with that—

Ms. FITCH. Yes.

The CHAIRMAN [continuing]. I agree with that, with white men.

Ms. FITCH [continuing]. Yes, and of course, it can be extended to any other men.

The CHAIRMAN. I understand, okay, thank you for clarifying that. Now, the absolutely last question I have is this: There was reference made earlier that there was a need to be able to establish a pattern of behavior. I don't know which of you said it.

Ms. FITCH. I think I might have talked about patterns and in trying to explain why I take the Judge's position in this and I am saying there was not any behavior that was ever evidenced by me over 7 years by myself, hearing from anyone else and that established a portfolio for him for me.

The CHAIRMAN. Okay, for you?

Ms. FITCH. Yes.

The CHAIRMAN. But you were not speaking as an expert in the field?

Ms. FITCH. Oh, heaven's no. I think—

The CHAIRMAN. Because experts tell me that it is equally plausible and it happens as often that you have a sexual harassment incident, as well as you have sexual harassment incidents coming from a single person. So there is not a need to be able to establish a pattern of behavior in order to establish that there is sexual harassment.

Ms. FITCH. Senator, I was very careful in the beginning to talk about possibility and probability.

The CHAIRMAN. I see.

Ms. FITCH. And I was addressing myself to probability.

The CHAIRMAN. You are a good lawyer and witness.

Ms. FITCH. Oh, God, I am not a lawyer.

The CHAIRMAN. On behalf of the Senate, it is presumptuous of me to say that but you are extremely clear and precise and it is impressive. You all are impressive and I thank you all for being here. It has been very, very late. You have spent a lot of time and Clarence Thomas is, indeed, fortunate to have four such loyal supporters who obviously believe every word they said and their experiences are as they have cited and I appreciate it.

Senator THURMOND. On behalf of this side of the aisle I wish to express appreciation to all of you and your splendid testimony.

Ms. ALVAREZ. Thank you.

Ms. BERRY. Thank you.

Ms. FITCH. Thank you.

Ms. HOLT. Thank you.

The CHAIRMAN. Thank you all very much. It has been a long evening for you. It has been a longer evening, I might add, for the next panel who has been waiting.

Now, ordinarily what we had agreed to do was the next panel of witnesses was going to be a panel of several people testifying on behalf of Professor Hill. Professor Hill has contacted us and indicated that in the interest of time she is fully prepared to forego having that panel testify. So we will move that as her decision, not the committee's decision.

We will now move to the panel to follow that one. They will be testifying on behalf of and in support of the position of Judge Thomas, and that is our first is Stanley Grayson, vice president with the firm of Goldman Sachs in New York; the second is Carlton Stewart with the Stewart firm in Atlanta, Georgia; the third witness is John M. Doggett III, a management consultant in Austin, Texas; and the fourth is Charles Kothe, former Dean of Oral Roberts University Law Center.

If you will all please come forward and before you sit we will swear you in if you will be prepared to stand and be sworn.

Do you all swear that your testimony will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRAYSON. I do.

Mr. STEWART. I do.

Mr. DOGGETT. I do.

Mr. KOTHE. I do.

The CHAIRMAN. Thank you, and welcome. Thank you for your patience in waiting so long. Now let me ask the panel, is there any particular way in which you would like to proceed? Have you talked among yourselves how you would like to proceed?